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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART VII.

H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

VII. LAWS OF PORTO RICO, RHODE ISLAND, SOUTH CAROLINA,
SOUTH DAKOTA, TENNESSEE, TEXAS, UTAH,
AND VERMONT.

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CHIEF, DIVISION OF FOODS.



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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY,

Washington, D. C., October 25, 1905.

SIR: I have the honor to transmit herewith for your approval a compilation of the food laws of Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, and Vermont, which has been revised to July 1, 1905. I recommend that this manuscript be published as Bulletin No. 69, Revised, Part VII, of the Bureau of Chemistry.

Respectfully,

H. W. WILEY, *Chief.*

Hon. JAMES WILSON,

Secretary of Agriculture.

CONTENTS.

	Page
Porto Rico.....	549
General food laws.....	549
Alcoholic beverages.....	551
Candy.....	551
Meat.....	551
Regulations of the Superior Board of Health, 1903.....	553
Rhode Island.....	569
General food law.....	569
Alcoholic beverages.....	569
Baking powders.....	570
Butter.....	571
Candy.....	571
Milk.....	572
Vinegar.....	574
South Carolina.....	575
General food laws.....	575
Alcoholic beverages.....	577
Candy.....	578
Corn meal.....	578
Dairy products.....	579
Flour.....	580
Meat.....	583
Rice.....	584
South Dakota.....	585
General food laws.....	585
Alcoholic beverages.....	587
Baking powder.....	588
Candy.....	589
Catsup.....	589
Cider.....	589
Dairy products.....	589
Flavoring extracts.....	591
Honey.....	591
Lard.....	592
Meat.....	592
Spices.....	594
Syrups.....	595
Vinegar.....	595
Rulings of the commissioner.....	595
Tennessee.....	599
General food laws.....	599
Alcoholic beverages.....	601

	Page.
Tennessee—Continued.	
Candy	602
Dairy products	602
Flour	603
Water	605
Texas	606
General food laws	606
Flour	608
Utah	610
General food laws	610
Dairy products	613
Vinegar	616
Rulings on the pure-food laws of March 2, 1903	617
Vermont	619
General food laws	619
Alcoholic beverages	621
Candy	623
Dairy products	623
Flour	627
Lard	628
Maple products and honey	628
Water	628
Rules and regulations of the State Board of Health	631

FOODS AND FOOD CONTROL—VII.

Revised to July 1, 1905.

VII. Laws of Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, and Vermont.

PORTO RICO.

The bureau of health of Porto Rico is charged with the enforcement of the food laws of that island, and is authorized to adopt regulations relating thereto. The authority of this bureau extends throughout the island of Porto Rico, but especial attention has been given in the past to the enforcement of the laws in San Juan. This duty formerly devolved upon the superior board of health.

GENERAL FOOD LAWS.

336. *Fraudulent increase of weight; penalty.* Every person who in putting up in any bale, bag, box, barrel or other package any sugar, tobacco, coffee, rice or other goods usually sold in bales, bags, boxes, barrels, or other packages, by weight or otherwise, puts in or conceals therein anything whatever for the purposes of increasing the weight or measurement of such bale, bag, box, barrel or other package with intent thereby to sell the goods therein or to enable another to sell the same for an increased weight or measurement, is punishable by fine not less than twenty-five dollars for such offense, or confined in jail for not less than thirty days, or by both fine and imprisonment in the discretion of the court.

337. *Adulteration and dilution.* Every person who adulterates or dilutes any articles of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

338. *Tainted or unwholesome products.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Revised Statutes and Codes of Porto Rico, 1902, Penal Code, title 14, p. 553.

356. *Infected animals.* Every person who owns or has the custody of any cattle, horses, mules or asses infected with a contagious disease, and fails to immediately report the same to the insular health authorities, or conceals the existence of such disease, or attempts so to do, or wilfully obstructs or resists the said health authori-

ties in the discharge of their duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by fine not exceeding three hundred dollars or imprisonment in jail not exceeding one year, or both, in the discretion of the court.

Revised Statutes and Codes of Porto Rico, 1902, Penal Code, title 14, p. 556.

480. *False weight or measure defined.* A false weight or measure is one which does not conform to the standard established by law.

481. *Using false weights; penalty.* Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

482. *Stamping casks falsely; penalty.* Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale, any cask or package so marked, shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

483. *Full weights of sugar, coal, etc.; penalty.* In all sales of sugar, coal, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, and any person violating this section shall be punished by imprisonment for not exceeding six months or by fine not exceeding two hundred dollars, or by both.

484. *Full weight or measure of all commodities; penalty.* In all sales of merchandise, wares, articles of food or drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars, or by both.

Revised Statutes and Codes of Porto Rico, 1902, Penal Code, ch. 10, p. 590.

765 (11). *Specific duties of the superior board of health.* To inquire into and report upon all infractions of laws governing the purity and good condition of foods, beverages, medicines and drugs; to submit to the consideration of the Governor, through the Commissioner of the Interior, rules for the repression of occupations prejudicial or dangerous; report concerning any special cause of danger to life, and make suggestions in connection therewith; and to call upon the local boards of health for the enforcement of regulations made by it in the respective districts.

766 (12). *General jurisdiction of the superior board of health.* To inspect through its inspectors and see to all things which concern public health and individual security. And further, to intervene and have general direction in all things concerning the following matters: Public water supply, markets, bakeries, general grocery stores (pulperías), milk stalls and meat stalls; purity and good condition of foods, beverages, liquors, drugs and medicines; * * * *Provided*, that in all matters specified in sections 6, 7, 8, 9, 10, 11, and 12, the Superior Board of Health shall direct to the local boards of health, the performance of all duties related to those matters in their several communities. * * *

Approved, March 1, 1902. Revised Statutes and Codes of Porto Rico, 1902, Revised Statutes, p. 278.

SEC. 18. *Appointment of superior board of health.* The Governor shall, upon the recommendation of the Director, and by and with the advice and consent of the Executive Council, appoint a superior board of health of five members, consisting of a supervisor of Health (chairman), one physician, one lawyer, one civil engineer and one druggist, who shall hold their offices for two years, without compensation

except for traveling and other expenses which may arise when engaged in official business.

SEC. 19. *Duties.* The superior board of health shall be an advisory board to the Director of Health, Charities and Corrections on all matters concerning * * * foods, beverages and drugs on the public health; * * * the plans and specifications for all new water supplies, drainage, sewerage, plants and public institutions of all kinds, insular or municipal, and the alteration of such works, institutions and places; * * * to inquire into and report upon all infractions of the laws governing the good condition and purity of foods, labels, beverages, medicines and drugs; * * * . The Director shall make regulations subject to the approval of the Executive Council governing all things concerning the following matters: Public water supply, markets, bakeries, general grocery stores, milk stalls and meat stalls, * * * purity, brands, labels and good conditions of foods, beverages, liquors, drugs and medicines; * * * .

Approved March 10, 1904. Acts and Resolutions and Code of Civil Procedure 1904, pp. 97-98.

ALCOHOLIC BEVERAGES.

2. *Additional tax for adulteration of distilled spirits.* On each and every gallon, or fraction thereof, of distilled spirits as enumerated above, whether domestic or foreign, which shall be changed in form by any merchant or at any liquor factory, by sweetening, diluting, adulterating, or by the addition of other ingredients or water, there shall be paid, when sold, or exposed for sale to the public, besides the tax already paid on such distilled spirits in their original condition, an additional tax of forty cents.

4. *Additional tax for adulteration of wines.* On each and every gallon, or fraction thereof, of fermented wines as enumerated above, whether domestic or foreign, which shall be changed in form by any merchant or at any liquor factory, by diluting, adulterating, or by the addition of other ingredients, there shall be paid, when placed on sale, besides the tax already paid on such fermented wines in their original condition, an additional tax of fifteen cents.

Laws of 1900-1901, Schedule A, pp. 80-81.

CANDY.

353. *Adulteration a misdemeanor.* Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

Revised Statutes and Codes of Porto Rico 1902, Penal Code, title 14, p. 556.

MEAT.

SEC. 1. (10) *Slaughter of animals for food—municipal regulation.* The killing of animals for food and the sale of their flesh in each municipality of the Island shall be subject to the inspection of the local authorities, who shall see that the provisions of this Act are complied with. The following fees shall be collected by the municipalities from persons offering meats for public consumption: For every twenty-five pounds of fresh meat of cattle, twenty-five cents; for every hog, fifty cents; and for every head of sheep, twenty-five cents. No other fees than those herein mentioned shall be levied or collected from persons offering meats for public consumption, whether such persons use the municipal slaughter-houses and meat-markets or whether they use private slaughter-houses and meat stands for the slaughtering of their cattle and the sale of their flesh. Persons bringing in the carcasses of animals for consumption from outside the municipality, and persons importing refrigerated

meat from any other country for public consumption, shall pay the same fees as those hereinbefore specified. Each municipality shall have at least one inspector, who shall be a veterinary surgeon or the municipal health officer, and whose duty it shall be to see that the provisions of this law are enforced; examine all animals offered for slaughter with the intention of offering the meat for public sale; inspect slaughtering operations, markets, market stands, and all places where fresh meat is exposed for sale, and see that diseased animals and condemned meat are destroyed. Appeal against the ruling of local inspectors in matters of the fitness or otherwise of animals for slaughter and food shall lie to the Superior Board of Health, whose decision therein shall be final.—*As amended March 12, 1903, p. 119; and as further amended March 10, 1904, Laws and Code, Civil Procedure 1904, p. 6.*

SEC. 2. (11) *Sanitation of slaughter houses; regulations for slaughtering.* No slaughter house shall be constructed within the outskirts of any town or village, or within one hundred (100) metres of an inhabited building, or in a location such that the free circulation of air is interrupted or interfered with. Slaughter houses must be provided with a pavement of brick or tile or cement, so inclined as to facilitate the drainage of refuse matter, and must be provided with proper drains. They must also be supplied with abundant running water, and with a trough from which the animals intended for slaughter shall be watered twice daily. They must also be provided with a shed for the shelter of the stock to be slaughtered. Persons engaged in the slaughter of animals and the handling of meat shall be free from communicable disease and shall be subject in that regard to the official inspection. While engaged in the slaughtering or handling of meat, they shall wear clean clothing, other than that worn by them at their homes, or in going and returning to and from the slaughter house. Offal and fat shall not be rendered in the same building as the slaughter house, or within one hundred (100) metres thereof. No animal shall be slaughtered unless it has been inspected not more than twenty-four, (24) and less than six (6) hours before killing, and animals intended for slaughter must be provided with food and water at least once in the twenty-four (24) hours preceding the killing. The blowing of slaughtered animals to facilitate the skinning of the carcass is forbidden. Offal or refuse from the slaughter house shall not be fed to any animal or fowl intended for slaughter or consumption. The slaughter of animals shall take place between the hours of four (4) and eight (8) in the afternoon, except when special permission to slaughter at other hours is granted by the local inspector, in accordance with rules prescribed by the Superior Board of Health.

SEC. 3. (12) *Inspection of animals before slaughter.* No animal shall be slaughtered for consumption in any municipality until it has first been inspected and passed by the municipal inspector. No fowl or other animal which has been allowed the run of cesspools or latrines or allowed to feed thereat, shall be passed by the inspector, nor any diseased animal, nor any animal which has not been treated in a humane manner while en route to the slaughter house; but any animal which it becomes necessary to kill as the result of an accident may be passed by slaughtering by the inspector, provided that the flesh of said animal will not be unfit for consumption if slaughtered. Oxen may be passed for slaughter provided that they are fat and bear no indications of having suffered from any disease rendering their flesh unfit for consumption.

SEC. 4. (13) *Protection of meat exposed for sale.* No meat shall be exposed for sale within three hours after the killing thereof in any municipality of the island. No meat shall be exposed for sale which has not been conveyed from the slaughter house by such means and with such precautions as to exclude dust, insects and other causes of contamination. Markets, market stands and meat shops must be kept in a clean and sanitary condition and so that live fowls and animals shall not have access to the same. Meat, fish and the flesh of fowls exposed for sale, must be protected from contamination by dirt, dust, insects and other causes of pollution.

SEC. 5. (14) *Condemned meat to be burned.* All meat or fish or parts of carcasses condemned as unfit for food shall be destroyed by saturating with coal oil and burning the same in the presence of a municipal inspector. The carcass of any food animal which has died as the result of disease shall be destroyed by cremation in the same manner.

SEC. 6. (15) *Slaughter house certificate; fees.* No meat shall be offered for sale in any municipality unless it be accompanied by a certificate issued at the slaughter house that the animal has passed inspection as fit for slaughter and that its meat has been inspected and is fit for consumption. No fresh meat shall be offered for sale in any municipality other than that in which it is slaughtered until the slaughter house certificate has been examined by the inspector of the municipality where the meat is offered for sale, and unless such meat is newly inspected and pronounced fit for consumption by the local inspector, for which inspection fees may be charged at rates not to exceed those specified in Section 1 of this Act.

SEC. 7. (16) *Jurisdiction; penalty.* The police judge of the municipality in which the slaughter house or the market, market stand, or meat shop is situated shall have jurisdiction of offenses against this Act. The violation of any of the provisions of this Act, shall be punished by a fine of from five to fifteen dollars, or by imprisonment not exceeding thirty days, or both, in the discretion of the police judge.

SEC. 8. (17) *Repeal.* All laws, orders, and decrees, or parts thereof, in conflict with the provisions of this Act, are hereby repealed.

SEC. 9. (18) *Date of effect.* This Act shall take effect from and after July first, nineteen hundred and two.

Approved, March 1, 1902. Revised Statutes and Code of Porto Rico, 1902, Revised Statutes, p. 4.

SEC. 1. *Cattle for slaughter.* Cattle may be presented for slaughter without restriction as to sex; provided that female cattle shall not be over six months pregnant.

SEC. 2. That section 1 of an act, entitled "An Act to regulate the slaughter of food animals and the sale of fresh meat," approved March 1, 1902, be, and hereby is amended so as to read as follows: (See p. 551.)

SEC. 3. *Fees collected prior to enactment of law.* No cause of action shall lie against any municipality because of charges levied and collected prior to the passage of this Act for the use of or inspection of the municipal slaughter-house or meat stands, or for the inspection of private slaughter-houses or meat stands; nor shall any municipality be required to refund any moneys so collected.

Approved, March 10, 1904. Laws and Code, Civil Procedure 1904, p. 6.

REGULATIONS OF THE SUPERIOR BOARD OF HEALTH, 1903.^a

GENERAL REGULATIONS.

PROHIBITION OF ADULTERATION AND MISBRANDING.

No article of Food, Drink, Drug, &c., can be sold or offered for sale in Porto Rico, nor can it be stored or exposed for sale therein or be transported in or into said island with the purpose of storing, selling, exposing or offering it for sale in the same, if it be adulterated or misbranded within the meaning of these terms as defined herein.

^a No later regulations have been received.

DEFINITION OF MISBRANDING. (FOOD.)

For the purposes of these regulations an article of food shall be deemed to be misbranded in the following cases:

(1) When it is an imitation of another article, or is offered for sale under the distinctive name of another substance, *Provided*, that the term "distinctive name" shall not be construed as applying to any article, sold or offered for sale under a name that has come into general use, to indicate the kind or class of the article, if the name be accompanied on the same label with a statement of the place where said article has been manufactured or produced.

(2) If it be mixed, powdered, colored or stained whereby damage or inferiority is concealed so that such product when sold or offered for sale shall deceive or tend to deceive the purchaser.

(3) When it is labeled or marked by means of any word, sign or symbol, with the purpose of deceiving or misleading the purchaser, or purports to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

(4) If the vessel or package containing it, or if the label shall bear any word, sign or symbol, or any statement, regarding the ingredients or the substances contained therein, which shall be false or misleading in any particular, or if the same is falsely branded as to the place in which it was manufactured or produced.

(5) When on the vessel containing an article of food, there is more than one label. Every word, symbol or observation of whatever kind must be placed on one and the same label, *Provided*, that this requirement shall not be considered as applying to the name of the manufacturer of the vessel, generally stamped on the same.

No article of food, drink, drug, etc., can be sold, stored, exposed or offered for sale in Porto Rico nor can it be transported in or into said island with the purpose of so selling, storing, exposing or offering it for sale therein, unless, upon every vessel, casing, sacking, etc., containing such for the purpose of sale, (excepting such boxes, barrels, etc., as are used only for the purpose of transporting the article) there be printed, painted, stamped or otherwise placed.

(1) The true name of the contents of the vessel.

(2) The name and address of the manufacturer, packer, canner, etc., of the article.

Every article of food that is sold, stored, exposed or offered for sale, or that is transported in or into Porto Rico with the purpose of selling it or of offering it for sale or of storing or exposing it for sale therein, and that is not marked in the manner just described will be considered as "misbranded" and subject to the penalties provided therefor, but nothing in this regulation shall be considered to annul or modify any other regulation applying to misbranding and (or) adulteration, and contained herein.

In the case of foods, an article shall be deemed to be adulterated in the following cases:

(1) If any substance has been mixed or packed with it so as to reduce, lower, or injuriously affect its strength or quality, so that such product when sold shall deceive or tend to deceive the purchaser.

(2) If any substance or substances has been or have been substituted wholly or in part for the article, so that the product when sold or offered for sale shall deceive or tend to deceive the purchaser.

(3) If any natural or normal constituent of the article has been wholly or in part abstracted, so that the article when sold or offered for sale shall deceive or tend to deceive the purchaser.

(4) If it contains any poisonous ingredient, or any ingredient which might render such article injurious to the health of the person consuming it.

(5) If it consists in whole or in part of a filthy, decomposed or putrid animal or

vegetable substance, or any portion of an animal or vegetable substance unfit for food whether manufactured or not, or if it is the product of a diseased animal or of one that has died otherwise than by slaughter.

(6) If it is a mixed or compound article, and is sold under the name of one of its ingredients.

PROVISIONS RELATIVE TO THE GENERAL DEFINITIONS OF ADULTERATION AND MISBRANDING.

An article of food that does not contain any poisonous or deleterious ingredient will not be considered to be adulterated in the following cases:

(1) In the cases of mixtures or compounds which may be now, or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition of this section. *Provided*, that no mixtures or compounds that are marked simply "mixt." or "compound" without the names of their ingredients can contain as any ingredient any substance not generally recognized as an article of food.

(2) In the case of articles labeled, branded or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: *Provided*, that the same shall be so labeled, branded or tagged so as to show the character and constituents thereof: *And provided further*, that nothing in this regulation shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient, to disclose their trade formulas except in so far as the provisions of these regulations require to secure freedom from adulteration or imitation.

FRUIT, MEAT AND VEGETABLES.

No fruit, meat or vegetable can be sold or offered for sale in Porto Rico nor can it be stored or exposed for sale therein, or be transported in or into said island with the purpose of selling it or offering, storing or exposing it for sale therein, if it is in a state of fermentation or putrefaction or in such a state as to make its use as food liable to injure health.

No fruit, vegetable or meat, can be sold or stored, exposed or offered for sale in Porto Rico nor be transported in or into said island with the purpose of selling or of offering, storing or exposing it for sale therein unless such article is free from any injurious ingredients, and unless upon every can or vessels of any kind that contains such fruit, vegetable or meat, there be printed, painted, stamped or otherwise placed the true name of the contents and the name of the manufacturer, or packer, canner, &c., &c., the words expressing the kind or class of the article must be expressed by means of letters not less than one half inch in height, and so placed as to be readily visible and easily legible.

"SOAKED" GOODS MUST BE SO MARKED.

If a vegetable or a fruit has been dried and subsequently soaked, prior to being canned or preserved, every vessel containing such soaked goods must be so marked as to plainly indicate this fact, by means of the word (expressed in Spanish) "Soaked" printed, painted, stamped or attached to the vessel in some other way and expressed by means of letters not less than one half inch in height, the letters of this word being in all cases larger than those of any other word appearing on the label, and so placed as to be readily visible and easily legible.

ALCOHOLIC BEVERAGES.

GENERAL REGULATIONS.

No article used or to be used as an alcoholic Drink or Beverage can be sold or offered for sale or stored or exposed for sale in Porto Rico, nor be transported in or into said island with the purpose of selling it or of storing, exposing or offering

it for sale therein as an alcoholic Drink or Beverage, if it contains any of the following substances: Seed of *Cocculus Indicus*, Sulphuric Acid, Grains of Paradise, Opium, Alum, Cochineal, Brazil Wood, Sulphate of Iron, Laurel Water, Campeche, Picric Acid, Indian Hemp, Strychnine, Tobacco, Fruit of *Lolium Torulentum*, Arsenic, Salts of Copper, Lead, Zinc or Mercury Methyl or Amyl Alcohol, or any Artificial Essence or Extract or Other Substance Injurious to Health: But nothing in this prohibits the sale of purely medicinal wines that conform to the standards recognized for their respective classes or of those wines made from fruits other than the grape provided that they are free from all substances injurious or deleterious to the health, and are sold under a name which shall include the word wine, this word being immediately preceded or followed by the name of the substance from which they are made such as, Currant, Gooseberry, Alderberry, etc.

BEER.

No article can be sold or stored or exposed or offered for sale nor be transported in or into the Island of Porto Rico with the purpose of so selling, storing, exposing or offering it for sale therein as or under the name of beer, if it contains less than 1 per cent of alcohol, if it contains any substance generally recognized as injurious or prejudicial to health, or if it does not conform in all respects to the standard established for its especial class. (See general regulations applicable to all alcoholic beverages, drinks, etc.)

BRANDY.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into the island of Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein as or under the name of brandy that contains less than 35.7 per cent of alcohol by weight (45 per cent by volume), less than 0.04 per cent of ash, less than 0.6 per cent of extract, more than 0.2 per cent of "Fusil Oil" relative to the absolute alcohol present, more than 0.05 per cent of total acids, or any substances generally recognized as prejudicial to health.

GIN.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico, with the purpose of selling, storing, offering or exposing it for sale therein as or under the name of gin, that contains less than 30 percent of alcohol, by weight, or any substance generally recognized as injurious or deleterious to health. (See regulations applicable to all alcoholic drinks, beverages, etc.)

RUM.

No article can be sold or offered, stored or exposed for sale nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein as or under the name of RUM that contains less than 36 percent of alcohol by weight or any substance generally recognized as prejudicial to health. (See general regulations applicable to all alcoholic beverages, drinks, etc.)

WHISKY.

No article can be sold, stored, offered or exposed for sale nor be transported in or into Porto Rico, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of whisky, that contains less than 36 percent of Alcohol, by weight, more than 0.2 percent of fusel oil, relative to the weight of absolute alcohol present, or that contains any substance whatsoever generally recognized as injurious or deleterious to health, or that does not conform in all respects to the standard for its especial class. (See general regulations applicable to all alcoholic drinks, beverages, etc.)

WINE.

No article shall be sold or offered for sale, nor shall it be stored or exposed for sale, or transported in or into Porto Rico with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of Wine, that is not exclusively the product of the fermentation of the juice of the grape, but this prohibition does not extend to the sale of beverages, or drinks made by other processes, and generally classified as wines, if on each barrel, bottle, cask or other vessel containing such article for the purpose of sale, there be printed, painted, stamped or otherwise attached, the word (in Spanish) "Wine" followed immediately by an appropriate word or by appropriate words which shall express the true nature of the article therein contained, and so placed as to be readily visible and easily legible.

The letters of the words expressing the class and kind or variety of the article must be, for vessels whose capacity does not exceed a gallon, not less than one half inch in height, and for vessels whose capacity is greater than this, the letters must not be less than one inch in height.

Every wine that does not conform in all respects to the standard established for its respective class will be considered to be adulterated.

Standard of quantitative composition to which red wines must conform.

Red wines must contain not less than 6 percent nor more than 12 percent by weight of alcohol (7.5 percent to 15.12 percent by volume): not more than 0.2 percent of volatile acids, (calculated as acetic acid) not more than 0.2 grams of "sulphates" calculated as Potassium sulphate, to each 100 cubic centimeters: not less than 0.2 percent of carbonated ash: not less than 1.5 percent of extract (dried at 100°) nor more than 3.5 percent: not more than 0.02 of a gram of total sulfurous acid to each 100 cubic centimetres.

Standard to which white wines must conform.

The standards for White Wines will be the same as for Red Wines except, that the minimum extract contents must be not less than 1.4 percent and that of the ash not less than 0.14 per cent.

Fortified wines.

The above regulations shall not apply, in so far as the requirements as to alcohol are concerned, to those wines to which an addition of alcohol to that naturally occurring in them is necessary, in order to preserve them: *Provided*, That the total percentage of Alcohol does not exceed 22 percent by weight, and *Provided further*, that upon every barrel, cask, bottle or other vessel containing such wine to which has been added alcohol in addition to that naturally occurring in it, there be printed, painted, stamped or otherwise placed, the word (in Spanish) "Fortified," expressed, in the case of vessels whose capacity is not more than one gallon, by letters not less than one half inch in height, and by letters not less than one inch in height on all vessels of a greater capacity.

All vessels containing wine for the purpose of sale must be properly marked.

Every article sold or offered for sale or stored or exposed for sale or transported in or into the Island of Porto Rico with the purpose of selling, storing, offering or exposing it for sale therein under the name of Wine alone without a further description of its kind or class, will be considered to be misbranded.

On every vessel containing any article that is to be sold or offered for sale, or stored or exposed for sale, or that is transported in or into Porto Rico with the purpose of selling or of offering it for sale or of storing or exposing it for sale, as or under the name of Wine or under any name of which the word wine forms a part there must

be printed, painted, stamped or otherwise placed (1) the word Wine (expressed in Spanish) (2) a word or words immediately following this, expressing the substance from which it is made e. g.: Grapes, Raisin, etc., etc., (3) the name and address of the manufacturer.

BAKING POWDERS, ETC.

No compound, mixture, or powder whatsoever, to be used as or for the purposes of Baking Powder, can be sold or offered for sale, stored or exposed for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing, or offering it for sale therein as or under the name of Baking Powder or under any similar name unless, upon every vessel containing such for the purpose of sale there be printed, painted, stamped or otherwise placed the following expression: "This baking powder contains no alum or other injurious or unwholesome ingredient," and unless it is free from adulteration within the meaning of this term as defined in these regulations.

BREAD.

No article can be sold, stored, exposed or offered for sale in Porto Rico, nor be transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of bread, if it is sour or bitter or in any way unwholesome, or is the product of unclean, sour or unwholesome flour, or of flour whose condition is such as to render it liable to injure or seriously affect health if used as food, or if it contains more than 50 per cent of water, less than 0.3 per cent or more than 2 per cent. of ash, or if it is adulterated in any way within the meaning of this term as herein defined.

BUTTER.

STANDARD FOR "PURE" BUTTER.

No article can be sold, stored, offered or exposed for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing, or offering it for sale therein as or under the name of pure butter, that contains less than 80 percent of butter fat or more than 16 percent of water, or 7 percent of salt, and the sale of any article as or under the name of butter that contains any fat other than that of the cow is prohibited, but this prohibition does not extend to the sale of goat's butter produced in Porto Rico, provided, that every vessel containing such for the purpose of sale, be marked by means of letters not less than one half inch in height, and so placed as to be readily visible and easily legible, "goat's butter."

STANDARD FOR BUTTER MARKED "SUPERIOR," "GENUINE," ETC.

No article can be sold or stored, exposed or offered for sale, nor can it be transported in or into the island of Porto Rico with the purpose of selling or storing, exposing or offering it for sale as or under the name of Superior, Genuine, Good, Family, Excellent or Creamery Butter or under any other name of similar import that contains less than 70 percent of butter fat or more than 20 percent of water (by weight).

No article can be sold, stored, exposed or offered for sale in Porto Rico, nor can it be transported in or into said island, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of Butter, or under any name of which the name Butter forms a part, if it contains any foreign matter whatsoever other than harmless coloring material unless, a notice that the same is "impure" or "mixed" be printed, painted, stamped or otherwise placed upon every vessel containing such mixed or impure substance, such notice to be expressed by means of letters not less than one half inch in height and so placed as to be readily visible and easily legible.

"RENOVATED" OR "PROCESS" BUTTER.

No article can be sold or stored exposed or offered for sale in Porto Rico: nor can it be transported in or into said island with the purpose of storing, selling, exposing or offering it for sale therein, as or under the name of butter, or under any name of which the word Butter forms a part, if in the manufacture or preparation of said article there has been employed any process by which the article has been melted, clarified or refined and made to appear as or like genuine butter, unless, upon each roll, package or vessel, or envelope of any kind containing it, for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed the words "process" butter or the words "renovated" butter expressed by means of letters not less than one half inch in height and so placed as to be readily visible and easily legible, and the letters of the words "renovated" and "process" must be in all cases larger than the letters of any other word appearing on the label.

CHEESE.

For the purposes of this regulation the word "Cheese" shall be understood to mean the food product known as cheese and which is made from milk or cream without the addition of any butter or other animal, vegetable or other oils or fat foreign to such milk or cream and with or without additional coloring matter.

Every article that is sold, stored, exposed or offered for sale in Porto Rico, or that is transported in or into said island, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "Cheese" or of "cream cheese," that contains less than 30 percent of butter fat, or that contains any injurious or unwholesome ingredient, or that does not conform in all respects to the standard above established, will be considered to be adulterated: *Provided*, that nothing in this regulation shall be deemed to prohibit the sale of cheese made of pure milk and that contains not less than 15 percent of butter fat, no unwholesome, unclean or injurious ingredient, and that is marked "half-skim cheese," by means of letters not less than one inch in height and so placed on the cheese or the vessel or envelope containing it so as to be readily visible and easily legible.

Nor shall anything in this regulation be held to prohibit the sale of such cheese as is made of pure skim milk, that contains not less than 10 percent of butter fat, no unclean unwholesome or injurious ingredient, and that is marked "skim cheese," the words "Skim Cheese" expressed by means of letters not less than one inch in height and so placed on the cheese or on the vessel or envelope containing it for the purpose of sale, &c., so as to be plainly visible and easily legible.

Nothing in the above shall be deemed to apply to "edam" "brickstein," "pine-apple," "limburger," "Swiss or hand made cheese" (not made by the "Cheddar" process) *Provided*, that, these conform in all respects to the standard established for their respective class.

Every article manufactured, stored, sold, exposed or offered for sale, in Porto Rico, or transported in or into the said island for the purpose of storing, selling, exposing or offering it for sale therein as or under the name of "cheese" alone with no other word or words descriptive of its class or quality, will be considered as cream cheese, and if found to differ in any respect from the type established above for such cream cheese, will be considered to be adulterated.

No article can be manufactured in Porto Rico with the purpose of selling it as or under the name of Cheese or under any name of which the word "cheese" forms a part, if it is made of impure, unclean or unwholesome milk, or if it is in such a condition, or if its composition is such as to make it repulsive or liable to injure the health of any one using it as food.

ALL CHEESE MADE IN PORTO RICO MUST BE PROPERLY MARKED.

No article manufactured in Porto Rico that is to be sold or stored or offered or exposed for sale as, or under the name of "cheese," can be so sold, stored, transported, exposed, or offered for sale therein as or under the name of "cheese" or under any name of which the word "cheese" forms a part unless, said article is free from all harmful or deleterious substances, and from all unclean or repulsive substances, and unless, such article is kept for the purpose of sale or of storing, transporting, exposing or offering it for sale in suitable vessels which shall be marked with the word cheese in Spanish immediately followed by the words (expressed in spanish) made in Puerto or Porto Rico,) the words "made in Puerto (or Porto) Rico" to be expressed by means of letters not less than one inch in height, and in all cases must be larger than any other letters appearing on the label, and must be readily visible and easily legible.

COCOA.

No article can be sold or offered for sale in Porto Rico nor be stored, exposed or offered for sale therein or be transported in or into said island with the purpose of selling it or of offering it for sale, or of storing or exposing it for sale as under the name of cocoa if it contains more than 17.5 per cent of water or 13 per cent of Starch, or less than 40 per cent of cocoa butter or 1 per cent of Theobromine.

But these prohibitions do not extend to the sale of "essence of cocoa," "soluble cocoa," "extract of cocoa" etc., generally known to be mixtures of Cocoa with starch, sugar, etc., or to cocoa deprived of a portion of the cocoa fat or butter normally or naturally occurring in it, *Provided*, That, upon every package, parcel or vessel of any kind containing it for the purpose of sale, or offer or exposure for sale, there be printed, painted, stamped or otherwise placed, the words "cocoa essence," or the words, "cocoa extract," or the words "soluble cocoa," or other appropriate words that will truly and plainly reveal the true and exact nature of the substance contained therein, and expressed by means of letters not less than one third of an inch in height; and in all cases the letters of the words "essence," "extract," "soluble," etc., must be larger than the letters of any other word appearing on the label, and must be so placed as to be readily visible and easily legible.

None of the preparations above mentioned can contain less than 20 per cent of cocoa butter, nor have an "acid equivalent" greater than that corresponding to 18 cubic centimetres of a deci-normal acid, nor be adulterated in any respect within the meaning of this term as herein defined.

COFFEE.

No article can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale as or under the name of coffee that (being toasted) contains less than 0.65 per cent of Caffein or more than 5 per cent of ash or 14 per cent of water.

If it is toasted, it must contain not less than 0.65 per cent of Caffein, 25 per cent of extract soluble in water (boiling), not more than 5.25 per cent of ash, or 4 per cent of water.

Both toasted and untoasted coffee must be free from adulteration within the meaning of this term as defined in these regulations.

CONDITIONS UNDER WHICH MIXTURES OF COFFEE WITH OTHER SUBSTANCES MAY BE SOLD.

Substitutes of Coffee, such as Chickory, Hediona seeds, etc. may be sold mixed with coffee, *Provided*, That upon every vessel containing such mixture for the purpose of sale there be printed, painted, stamped or otherwise placed, the following expressions coffee with chickory, coffee with hedionda, etc., according to the nature

of the mixture, these words being expressed by means of letters not less than one half inch in height, the letters of the name or names of the ingredients other than coffee being in all cases larger than any other letters appearing on the label; and all of them so placed as to be easily visible and readily legible.

No article made so as to resemble natural Coffee, and made for the purpose of sale as Natural Coffee can be so sold or offered for sale, stored or exposed for sale nor be transported in or into the Island of Porto Rico with the purpose of selling, storing, exposing or offering it for sale as natural Coffee.

No article can be sold or offered for sale, or be stored or exposed for sale, or be transported in or into Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein as or under the name of Coffee, if it contains any substance not naturally occurring in it: *Provided*, That this prohibition shall not extend to the sale of those mixtures of Coffee with other substances recognized as coffee substitutes (as has been provided for herein), nor to the sale of coffee "faced" or colored with a reasonable amount of harmless material.

The prohibition of the sale, transportation, offer or exposure for sale will also extend to all coffee that has been deprived in any way of its natural or normal virtues.

CONFECTIONERY.

No article can be sold, stored, offered or exposed for sale in Porto Rico, nor be transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of candy, confectionery, sweet meat, &c., if it contains or is colored with any of the following substances: aniline colors (except those that are free from arsenic) Arsenic, Antimony, Tin, Lead, Mercury, Copper, Cadmium, Uranium, Terra alba, Chalk, (mineral substances of any kind,) poisonous extracts or essences, alcohol or any substances generally recognized as injurious or deleterious to health: nor can any candy, confectionery, sweet meats, etc., be sold, etc., if they are adulterated in any way within the meaning of this term as defined in these regulations.

DRUGS.

The word "drug" as used in these regulations will include all medicines and medicinal preparations, for internal or external use, that are official in any Pharmacopœia recognized as authority in Porto Rico at the time of the investigation.

DEFINITION OF ADULTERATION AND MISBRANDING OF DRUGS.

For the purposes of these regulations, a drug will be considered to be adulterated in the following cases:

(1) If it differs from the standard of identity, quality, strength, or purity as described in the Pharmacopœia of the country from which it comes or pretends to come, official at the time of the investigation.

(2) If it differs in any respect from any declaration, written or verbal, made by one selling it in regard to its identity, kind quality or strength.

For the purposes of these regulations a drug shall be deemed to be misbranded in the following cases:

(1) If it is an imitation or is offered for sale under the name of another article.

(2) If on the vessel, wrapper or envelope containing it, there is any false statement in regard to its ingredients or composition, or in regard to the place in which it was manufactured or prepared, or from which it was secured.

FLOUR.

No article can be sold, stored, exposed or offered for sale nor can it be transported in or into Porto Rico with the purpose of selling it, or of storing, exposing or offering

it for sale therein as or under the name of wheat flour or wheat meal or under any name of like import, if it is wholly or in part the product of unsound or unclean wheat, or if it is wholly or in part flour that contains any unclean or deleterious substance, or if it is wholly or in part flour other than that of wheat, or if it is wholly or in part flour whose condition is such as to make its use as food liable to cause injury to health, or if it is wholly or in part wheat that contains worms, flies, bugs or insects of any kind or if it contains more than 14 percent of water, less than 0.3 percent or more than 2 percent of ash, less than 10 percent of moist gluten or 5 percent of dried gluten, or that is adulterated in any way within the signification of this term as defined in these regulations.

SALE OF MIXED FLOURS AND BLENDED FLOURS PERMITTED UNDER CERTAIN CONDITIONS.

The sale of mixtures of wheat flour with flour of other origin or of wheat flour of different kinds is not prohibited, *Provided*, that upon each barrel, sack, bag or vessel containing such for the purpose of sale, there be painted, printed, stamped or otherwise placed the words "mixed flour" or blended flour expressed by means of letters not less than one inch in height, the words "mixed" and the word "blended" being in all cases expressed by letters larger than the letters of any other word appearing on the label or vessel, and so placed as to be readily visible and easily legible, and the whole accompanied by the name and direction of the manufacturer or packer.

Neither is the sale of flour of an inferior quality prohibited provided, that every barrel, bag, sack or other vessel containing such be marked with the word "flour" immediately followed by the word "second class" or "third class" as the case may be, so as to plainly and clearly show that the flour is of an inferior quality: the words "second class," "third class," &c., must be expressed by means of letters not less than one inch in height, and so placed as to be readily visible and easily legible, and the letters of the words "second class," "third class" &c., must be larger than any other letters appearing on the label.

Every article sold, offered exposed, &c., for sale as flour, with no other word or words describing its class or quality, will be considered to be sold as good wheat flour: and if found to differ from the standard established for such, will be considered to be adulterated.

ABOVE REGULATIONS APPLICABLE TO FLOUR OTHER THAN THAT OF WHEAT.

All of the prohibitions above will apply to the sale, &c. of flour other than that of wheat, in so far as they apply (1) to the sale of mixed flour (2) to the sale, &c. of flour containing unclean or deleterious substances, or bugs, worms or insects, or that is in an unsound or unclean condition, or that is the product of unsound or unclean grain or of grain that has been fumigated or treated with any chemical substance. The sale or offer for sale of any mixture of flours under the name of any ingredient of the same is prohibited.

FRUIT PRODUCTS.

ARTIFICIAL JELLIES, JAMS, PRESERVES, ETC.

No article can be sold, stored, or exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling it or storing, exposing or offering it for sale therein, as or under the name of fruit, jelly, jam, preserves, &c., or under a name of like import, and that is made of dextrine, starch, glucose, or of any substance or substances similar to these, unless such jellies, jams, preserves, &c., are free from all injurious and deleterious substances and unless upon each can, bottle, cask, bucket, or other vessel containing them for the purpose of sale, there be printed, painted, stamped, or otherwise placed the expression imitation fruit jelly, imitation

fruit jam, preserves, &c., (according to the nature of the article) or other appropriate expression which will state clearly and distinctly that the article is an imitation or artificial one. The words describing the article must be not less than one half inch in height, and the letters of the words "Imitation" must be in all cases larger than the letters of any other word appearing on the label, and must be so placed as to be easily visible and readily legible.

JUICES.

No article containing any unwholesome or poisonous ingredient can be sold, stored, exposed or offered for sale, nor be transported in or into Porto Rico with the purpose of selling or storing, exposing or offering it for sale therein, as or under the name of a natural or artificial juice of fruit or under any name that would induce a purchaser of the same to believe it to be an artificial or natural juice of fruit: nor can any artificial juice of fruit, although free from all unwholesome and poisonous ingredients, be so sold, stored, offered or exposed for sale or be transported in or into Porto Rico with the purpose of selling, storing, offering or exposing it for sale therein, unless, it be sold under its true name as an artificial juice of fruit, and unless, upon every vessel containing such for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed, the words "imitation juice of" followed immediately by an appropriate word expressing the true name of the fruit of whose juice it is an imitation, the word "imitation" being expressed by means of letters not less than one half inch in height and must be in all cases larger than the letters of any other word appearing on the label, and followed by the name and address of the manufacturer, bottler, &c.

HONEY.

No article can be sold or offered for sale, or stored or exposed for sale or be transported in or into Porto Rico with the purpose of selling it or of offering, storing or exposing it for sale therein, as or under the name of honey that is not entirely the product of the *apis mellifica*, or that contains more than 26 percent of water, less than 60 percent of total glucoses, more than 0.75 percent of ash, or that is adulterated in any way within the meaning of this term as defined in these regulations. But this prohibition shall not extend to the sale of artificial honey or compound honey, *provided* that, upon every vessel containing such for the purpose of sale, &c., there be printed, painted, stamped or otherwise placed, the phrase artificial honey, or compound honey or other appropriate expression, which shall show clearly that the article so marked is an artificial one, such phrases expressed by means of letters not less than half an inch in height and so placed as to be easily visible and readily legible, and in all cases the letters of the words "artificial," "compound" &c., must be larger than the letters of any other word appearing on the label, and must be accompanied by the names of the ingredients and the name and address of the manufacturer, canner, bottler, &c.

LARD.

STANDARD FOR "PURE" LARD.

No article can be sold or offered, stored or exposed for sale, nor transported in or into the Island of Porto Rico with the purpose of selling or of offering, storing or exposing it for sale therein as or under the name of "lard," that contains any fat other than that of the hog: and any article, sold as lard, and that contains fatty or oily substance other than that derived from the hog, or that contains any fat of a diseased or sick hog, or of a hog that has fed on any substance that would tend to make the lard derived from such unwholesome or deleterious, or (that is in part or wholly lard) that contains more than 1 per cent of water, will be considered to be adulterated.

"COMPOUND" OR "MIXED" LARD AND SIMILAR ARTICLES MUST BE PROPERLY MARKED.

No article can be sold, stored, offered, or exposed for sale, nor be transported in or into Porto Rico with the purpose of selling it, or of storing, exposing or offering it for sale therein as an article similar in its nature and properties to genuine lard, or under any name of which the word lard forms a part, that contains any fat other than that of the hog, unless, upon every roll, package or vessel containing such article for the purpose of sale, there be printed, painted, stamped or otherwise placed the expression "compound lard," "substitute lard," "adulterated lard," or other appropriate expression which shall correctly and plainly describe the nature of the contents of said vessel, the word "compound," "substitute," "adulterated," &c., must be expressed by means of letters not less than one half inch in height, must be in all cases larger than the letters of any other word appearing on the label, and must be so placed as to be readily visible and easily legible, and followed by the name and address of the manufacturer.

MILK.

No article shall be sold or offered, stored or exposed for sale in Porto Rico, nor be transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of milk that contains less than three (3) percent of butter fat, less than 12 percent of solids, or more than 88 percent of water, and all milk that differs in any respect from this standard will be considered to be adulterated, whether this difference is due to natural or artificial causes. This prohibition will not extend to the sale of milk deprived wholly or in part of its fat, *Provided*, that the purchaser of the same is informed of this fact prior to its sale.

No article shall be sold or stored, exposed or offered for sale, in Porto Rico nor be transported in or into said island with the purpose of selling, storing, exposing, or offering it for sale therein, as or under the name of milk, for food, or with the purpose of using it in the preparation of any article used as food, if it has been taken from a cow fifteen days prior or subsequent to parturition or if it consists wholly or in part of milk from a cow that has fed or been fed on distillery waste or on any substance in a state of fermentation or putrefaction (except silo ensilage) or on unclean or unwholesome substances, or on substances, that would tend to make the milk of the cow feeding on the same unclean or unwholesome: or if it be wholly or in part milk of a sick or diseased cow, or of cows that have been kept in an unhealthy or crowded condition: or if it be wholly or in part milk that has been handled prior to its delivery to the purchaser, by a person suffering from an unclean, infectious or contagious disease, or by any person that lives or associates with any one having such unclean, infectious or contagious disease: or if it is wholly, or in part milk taken from, or sold, exposed or offered for sale in any unclean place, or any place forming a part of an inhabited room, or any place in which meat, vegetables or similar material is stored, sold or offered for sale, or any place where any bird, animal or reptile is kept: or if it is wholly or in part milk that is dirty, unwholesome sour or decomposed, or milk from which any normal constituent has been removed (except as is herein provided for) or to which any foreign substance whatsoever has been added: or if it be milk that is being transported or sold or offered for sale from vessels, not properly cleaned, closed, and marked as described hereafter.

Every person firm or corporation that receives milk or cream for the purpose of sale, in cans, bottles, or other vessels and that has been transported, on any railroad, steamboat or other boat or vehicle; when such cans, bottles, or other vessels are to be returned to the place from which such milk or cream was sent, must empty such vessels before their contents have become sour, and immediately thereafter, said vessels must be thoroughly cleaned and aired.

Every article sold as milk will be considered to be the milk of the cow unless a

statement to the contrary is made to the purchaser immediately before the delivery of the milk to the same.

Every article that is sold, offered, stored or exposed for sale, in Porto Rico, or that is transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of Milk in its natural state, will be considered to be misbranded, unless, on every vessel containing said milk for the purpose of sale, there be clearly stamped or printed or otherwise placed (1) the name of the owner of the vessel containing the milk, with the address of the same or (2) the name and address of the legal agent or representative of the said owner; and for the purposes of this regulation, the real owner of any milk that is being transported or sold, stored, exposed or offered for sale, will be considered to be he or she whose name appears on the vessel containing it.

CONDENSED MILK AND CREAM.

No article can be sold or stored, exposed or offered for sale, nor can it be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "condensed" or "evaporated" milk or under any name of like import, if it is wholly or in part milk from which any of the normal or natural constituents of pure, unadulterated milk have been removed (water excepted) unless, upon each and every vessel containing such article from which any normal or natural constituent other than water has been removed, there be printed, painted or otherwise placed the words "condensed" milk or "evaporated" milk, followed immediately by the words made from skimmed milk or made from separated milk as the case may be. The word "skimmed" and the word "separated" must be formed of letters not less than one third of an inch in height, and in all cases these letters must be larger than the letters of any other word appearing on the label, and must be so placed as to be readibly visible and easily legible.

Any condensed or evaporated milk or any article sold as such, that is made from milk other than whole milk, and is not marked so as to clearly and plainly show this fact, will be considered to be misbranded.

Any article sold, stored, transported, exposed or offered for sale in Porto Rico under the name of "condensed" or "evaporated" milk and that is contained in any vessel for the purpose of sale or of storing, exposing or offering it for sale in Porto Rico, on which appears any word, sign or symbol, that would tend to induce any purchaser of the same to believe it to be of greater strength or purity than it really is, will be considered to be misbranded.

The above regulations referring to the sale, &c. of "condensed" or "evaporated" milk, will apply also, in so far as is possible to the sale, transportation, and offering, &c. for sale of "condensed" or "evaporated" cream and to all articles sold under a name of like import.

MOLASSES.

No article can be sold, exposed, stored or offered for sale in Porto Rico, as or under the name of molasses, nor can it be transported in or into said island with the purpose of so selling it, or of storing, exposing or offering it for sale as or under the name of molasses, if it contains salts of tin, terra alba, or any injurious ingredient. If it contains glucose other than that normally occurring in it, upon every vessel containing such article for the purpose of sale, must be printed, stamped or otherwise placed, the words "glucose mixture," expressed by means of letters not less than one inch in height and so placed as to be readily legible and visible. For the purposes of this regulation the word "molasses" shall be understood to mean the pure, residual saccharine liquid, obtained in the manufacture of crude cane sugar, and any article sold or offered for sale in Porto Rico or stored, or exposed for sale therein, as or under the name of molasses, or that is transported in or into said island for the

purpose of sale under the name of molasses, that contains any ingredient not normally occurring in pure and unadulterated molasses, or that contains any normal ingredient of molasses in an amount in excess of that normally occurring in pure and unadulterated molasses, shall be considered to be adulterated.

OLIVE OIL.

No article can be sold, offered, stored or exposed for sale, nor be transported in or into Porto Rico with the purpose of selling, storing, exposing or offering it for sale, therein as or under the name of olive oil, that is not entirely the product of the fruit of the *Olea Europea Sativa*, or that has been extracted from this by means of heat or of hot water or vapor applied either directly to the fruit, or to the press used in its extraction or that has been obtained or separated from said fruit by means of solvents such as Bisulphide of Carbon, Petroleum, Ether, Benzine or other similar substances, or that is the product of dried, decayed or fermented olives.

PRESERVATIVES.

No article of food can be sold or stored, exposed or offered for sale or transported in or into Porto Rico with the purpose of selling it or of storing, exposing or offering it for sale therein as an article of food if it contains any of the following substances: Boric, benzoic or salicylic acid or the salt of either one of these, formaldehyde, or any antiseptic substance whatsoever (except common salt and potassium nitrate), unless, upon every vessel or wrapper containing articles of food that has been treated with any antiseptic substance, there be printed, painted, stamped or otherwise placed, the true and proper name of each antiseptic substance, expressed by means of letters not less than one-half inch in height and so placed as to be easily visible and readily legible.

If any article of food is found by means of proper tests to contain an antiseptic substance in addition to that expressed on the label, it will be considered to be adulterated.

SUGAR.

UNREFINED OR COMMERCIAL SUGAR.

No article can be sold, stored, exposed or offered for sale in Porto Rico nor be transported in or into said island with the purpose of selling, storing, exposing or offering for sale therein, as or under the name of commercial or unrefined sugar, if it contains less than 85 per cent of cane sugar, or more than 5 per cent of water, 6 per cent of Glucose, or 1.5 per cent of ash, or that contains Tin or its salts or Terra alba, or that is in anyway adulterated within the meaning of this term as defined in these regulations.

PURE OR REFINED SUGAR.

No article can be sold or offered for sale, nor stored or exposed for sale, in Porto Rico, nor be transported in or into said island for the purpose of selling it or of offering, storing or exposing it for sale therein as or under the name of pure or refined sugar: or under any name of like import, if it contains more than one half per cent of foreign material, or any injurious or deleterious substance: or if it is adulterated in any way within the meaning of this term as defined in these regulations.

SYRUP.

For the purposes of these regulations, the word "syrup" shall be understood to mean the residual, saccharine liquid obtained in the refining of cane sugar, and any article sold or stored, exposed or offered for sale in Porto Rico, as or under the name of cane syrup, or that is transported in or into said island with the purpose of sell-

ing it or of storing, exposing, or of offering it for sale as or under the name of cane syrup or under any name calculated to induce any purchaser of the same to believe it to be cane syrup, and that contains any ingredient not normally in such syrup, or that contains any ingredient occurring normally in such cane syrup, but in an amount in excess of that naturally occurring in the same, will be considered to be adulterated, unless, such article is free from injurious or deleterious ingredients, and unless upon every vessel containing such article for the purpose of sale, there be printed, stamped or otherwise placed, so as to be readily visible and easily legible, the words "compound cane syrup" these words to be expressed by means of letters not less than half an inch in height.

But any article made in imitation of cane syrup, or made to resemble cane syrup, and not containing pure and unadulterated cane syrup, in an amount exceeding the total amount of all other ingredients contained in said syrup, must be marked "artificial" or "imitation" cane syrup. The word "artificial" and the word "imitation" must be expressed by means of letters not less than half an inch in height, and these letters must be larger than the letters of any other word appearing on the label, and so placed as to be readily visible and easily legible.

TEA.

No article can be sold, offered, stored or exposed for sale in Porto Rico nor be transported in or into said island with the purpose of selling, offering or storing it for sale therein, as or under the name of tea, that contains more than 7 per cent or less than 5 per cent of ash, of which at least 50 per cent must be soluble in water.

The ash insoluble in acid should not exceed 1 per cent, and that insoluble in water 3.25 per cent of the weight of the tea; the aqueous extract should not be less than 30 per cent of the weight of the tea.

Neither can any article be sold, stored, offered or exposed for sale, nor be transported in or into the island of Porto Rico with the purpose of selling, storing, exposing or offering it for sale therein as or under the name of tea, that consists in part or wholly of leaves other than those of the plant *Thea sinensis* or other variety of the plant thea, or of leaves of a variety of the plant thea that have been deprived of their natural virtues by steeping, decoction or by any other means whatsoever, or that is in any way adulterated within the meaning of this term as defined in these regulations.

VINEGARS.

ALL VINEGARS MUST CONFORM TO STANDARD.

No article can be sold or offered for sale, or stored or exposed for sale in Porto Rico, nor can it be transported in or into the said Island with the purpose of selling, or of offering, storing, or exposing it for sale therein as or under the name of "vinegar," that does not conform to the provisions of this regulation, as hereinafter set forth.

CIDER, APPLE OR ORCHARD VINEGAR.

No article can be sold or offered, stored or exposed for sale, nor can it be transported in or into the Island of Porto Rico with the purpose of selling or of storing or exposing it for sale therein as or under the name of cider, apple or orchard vinegar, that is not entirely the product of the pure juice of apples (said article being generally known as cider, orchard or apple vinegar) or that contains any extraneous or foreign matter whatever, as may be proved by appropriate tests, or that contains less than 2 per cent of the solids of cider or apple vinegar after complete evaporation at the temperature of boiling water, and all such vinegar must contain not less than 4 per cent of absolute acetic acid, by weight.

FERMENTED VINEGAR.

All vinegar made by fermentation and oxidation, without the intervention of distillation, (cider vinegar excepted) must contain not less than 1.5 per cent of solids determined by evaporation at the temperature of boiling water, and obtained exclusively from the fruit or grain from which said vinegar purports to be made; not less than 0.25 per cent of ash or mineral matter naturally occurring in said solids, not less than 4 per cent of acetic acid (absolute) by weight, and must be entirely the product of the fruit or grain whose name it bears.

DISTILLED VINEGARS.

All vinegar made wholly or in part of distilled liquors, must be free from coloring matter of all kinds, added before, during or after distillation and from all color other than that produced by the distillation itself.

No article can be sold or offered for sale, or stored or exposed for sale in Porto Rico, nor can it be transported in or into said island with the purpose of selling it or of storing, exposing or offering it for sale therein, as or under the name of vinegar, if it contains any product of the destructive distillation of wood, other than water and acetic acid, or that contains any foreign matter whatsoever.

WAY IN WHICH VESSELS CONTAINING VINEGAR ARE TO BE MARKED.

On every vessel that contains vinegar for the purpose of storage, transportation or sale, there must be marked, stamped, printed or otherwise attached so as to be easily visible and readily legible, the following (1) the word (in Spanish) "Vinegar," immediately preceded by an appropriate word indicating its class, such as "cider," "malt," wine, etc., (2) a word or words that shall describe the process used in its manufacture *e. g.* "fermented," "distilled," etc. (3) the name and place of business of the manufacturer.

All of these words except those expressing the name and address of the manufacturer, must be formed of letters at least half an inch in height, and must be so placed as to be readily visible and easily legible throughout the time the said vessel contains any of the vinegar.

RELATIVE TO MISBRANDED VINEGARS.

Every article sold or stored, exposed or offered for sale in Porto Rico or transported in or into said island with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of "vinegar" alone, without a word or words that describe its kind and the general mode of manufacture, will be considered to be misbranded.

ARTICLES OF FOOD NOT OTHERWISE PROVIDED FOR IN THE FOREGOING REGULATIONS.

All articles of food and drink not specifically provided for in the foregoing regulations must conform in all respects to the general regulations applicable to adulteration and misbranding, and these will be considered to be adulterated or misbranded as the case may be, if they depart in any respect from these regulations.

RHODE ISLAND.

No provision is made for the enforcement of the food laws of this State, except in so far as the local inspectors and assayers, whom the city and town authorities are authorized to appoint, may have authority to act.

GENERAL FOOD LAW.

SEC. 1. *Unwholesome provisions; penalty.* Every person who shall sell any kind of diseased, corrupted, adulterated or unwholesome provisions, whether for meat or drink, without making the same known to the buyer, shall be imprisoned not exceeding six months or be fined not exceeding two hundred dollars.

SEC. 2. *Adulteration of food or drink; penalty.* Every person who shall adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor or other liquor intended for drinking, shall be imprisoned not exceeding six months or be fined not exceeding two hundred dollars.

SEC. 3. *Killing calf not four weeks old; penalty.* Every person who shall kill, or cause to be killed, for the purpose of sale, any calf less than four weeks old, or shall sell, or have in his possession with intent to sell, the flesh of any calf which he knows to have been killed when less than four weeks old, shall be fined not exceeding twenty dollars.

General Laws, 1896, ch. 282, p. 1005.

ALCOHOLIC BEVERAGES.

SEC. 1. *Assayer of liquors.* The governor shall annually appoint a state assayer of liquors, who may appoint as many deputies as he may deem necessary.

SEC. 2. *Duties.* The assayer or his deputy shall analyze all spirituous and intoxicating liquors whenever required so to do by the attorney-general or by the sheriff of any county or by the chief of police of any town or city.

SEC. 3. *Salaries.* The assayer or his deputy shall be allowed and paid from the general treasury for each analysis and certificate the sum of three dollars.

SEC. 4. *Adulteration.* No person shall sell, keep for sale or offer to sell any impure or adulterated spirituous or intoxicating liquors, nor shall any person sell or keep for sale or offer for sale any liquors of quality inferior to what the same are represented to be.

SEC. 5. *Penalty.* Every person keeping for sale or offering to sell or selling any liquors in violation of the preceding section, shall be fined not less than one hundred dollars nor more than three hundred dollars or be imprisoned in the state workhouse and house of correction for a period not exceeding three months.

SEC. 6. *Injurious adulterations; penalty.* Every person keeping for sale or offering to sell or selling any spirituous or intoxicating liquors which are adulterated with any poison or deleterious ingredients injurious to health, shall be fined not less than three hundred dollars nor more than five hundred dollars or be imprisoned in the state workhouse and house of correction for not less than three months nor more than six months, and upon the second conviction of a violation of this or of any preceding section of this chapter, the person convicted shall be sentenced to be both fined and imprisoned.

SEC. 7. *Seizure of adulterated liquors.* In addition to the penalties hereinbefore provided for keeping or for offering for sale or for selling impure or adulterated liquors, all such liquors and the casks, barrels or other vessels containing the same shall be forfeited to the state, and a warrant for their seizure may issue upon complaint for keeping for sale, selling or offering for sale any liquors in violation of the provisions of this chapter, if such complaint shall charge that the offender kept such adulterated or impure liquors for sale, and the officer charged with the service of any such warrant, in addition to apprehending such offender, shall search the premises and seize the liquors in such warrant described, and hold such liquors to abide the event of the suit; and if the accused shall be found guilty, the said liquors, if they shall be found to be his, shall be adjudged to be forfeited to the state and be ordered to be destroyed under the direction of the court before which he shall be tried; otherwise, the officer having the custody of such liquors shall return them to the place from which he took the same.

SEC. 8. *Possession evidence of sale.* The having in possession, in a place of business or in any place, building or dwelling where liquors are sold, of one gallon or upwards of impure or adulterated liquors shall be evidence that such liquors are kept for sale by the person in whose possession such impure or adulterated liquors may be found.

SEC. 9. *False certificates; penalty.* Every assayer or deputy-assayer who shall give any false certificate of the quality of liquors assayed under the provisions of this chapter shall be imprisoned three months.

SEC. 10. *Gratuities; penalty.* No assayer or deputy-assayer appointed hereunder shall accept any reward or gratuity from any person in any way engaged in the sale of liquors, and every such assayer or deputy-assayer receiving any such reward or gratuity shall be fined one hundred dollars or be imprisoned not exceeding three months.

General Laws, 1896, ch. 151, p. 459.

BAKING POWDERS.

SEC. 1. *Inspectors.* The city of Providence shall, and the town councils of the several towns may, appoint an inspector of saleratus, bicarbonate of soda and cream of tartar, for said city and towns respectively.

SEC. 2. *Tests and certificates.* Every inspector shall, whenever requested, test any of such articles which shall be presented to him for inspection, and shall give his certificate to any person applying therefor, whether said article be impure or adulterated, and for every such certificate he shall be entitled to the sum of two dollars.

SEC. 3. *Analyses; certificate.* Every inspector shall, whenever requested, make an analysis of any such article which may be presented to him for that purpose, and shall give his certificate to any person who shall apply therefor, of the result of such analysis, for which certificate he shall be entitled to the sum of ten dollars.

SEC. 4. *Adulterations; penalty.* Every person who shall sell saleratus, bicarbonate of soda or cream of tartar, which has been adulterated and thereby rendered an impure article, shall be fined twenty dollars, together with the cost of testing and analyzing such impure article; one-half of said fine to the use of the city or town where such sale shall be made, and one-half thereof, together with the cost of testing and analyzing such impure article, to the use of the person who shall sue for the same.

General Laws, 1896, ch. 138, p. 443.

BUTTER.

SEC. 1. *Branding of butter tubs.* Every person who shall make or bring into the state any butter firkins or tubs shall brand or mark each one of the same with the weight thereof and with the initial letters of his name, in a plain and durable manner, before he offers the same for sale.

SEC. 2. *Sale without brand prohibited.* No person shall offer for sale any butter by the firkin or tub unless each firkin and tub shall be branded or marked as aforesaid.

SEC. 3. *Penalty.* Every person who shall offer for sale any butter firkin or tub before the same shall be marked or branded as required in section one of this chapter, or any butter by the firkin or tub, in any firkin or tub not marked or branded as aforesaid, or in any firkin or tub which shall weigh more than the mark or brand on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit five dollars, unless there shall be a special contract in relation to the kind, quantity and quality of the article sold.

SEC. 4. *Branding of oleomargarine.* Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively from milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and side of every tub, firkin, box or package of such article or substance the word OLEOMARGARINE, in letters at least one-half inch in length; and in case of retail sale of such article or substance in parcels, the seller shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word OLEOMARGARINE; and every sale of such article or substance not so stamped, branded, marked or labeled, shall be unlawful; and no action shall be maintained in any of the courts of the state to recover on any contract for sale of any such article or substance not so stamped, branded, marked or labeled.

SEC. 5. *Penalty; evidence.* Every person who shall knowingly sell or offer to sell or expose for sale or have in his possession with intent to sell, contrary to the provisions of this chapter, any of the said article or substance required by section four of this chapter to be stamped, branded, marked or labeled as therein stated, or in case of retail sale without delivery of the label required by section four of this chapter, shall for each such offence be fined one hundred dollars; one-half thereof to the use of the complainant and one-half thereof to the use of the state; and on trial of such offence, proof of the sale or offer to sell or of the exposure for sale, shall be evidence of knowledge of the character of the article so sold or offered or exposed and of knowledge that the same was not marked, branded, stamped or labeled as required by this chapter.

General Laws, 1896, ch. 146, p. 451.

CANDY.

SEC. 1. No person or corporation shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale or knowingly sell, or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Any person violating any of the provisions of this section shall be for every offense fined not less than fifty dollars nor more than two hundred dollars, and any candy so adulterated shall be forfeited and destroyed.

Public Laws, 1896, ch. 350, p. 56.

MILK.^a

SEC. 1. *Milk to be sold by sealed wine-measure; penalty.* Milk shall be sold by wine-measure, and all measures used in the sale of milk shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside, or of the town where such milk shall be measured for use; and every person violating the provisions of this section shall be fined ten dollars for each offence.

SEC. 2. *Inspectors of milk.* The mayor and aldermen of any city, and the town council of any town, may annually elect one or more persons to be inspectors of milk therein, who shall be engaged to the faithful discharge of the duties of their office. Every such inspector shall give notice of his election by publishing notice thereof for two weeks in some newspaper published in the city or town for which he shall be appointed; or, if no newspaper be published therein, by posting up such notice in two or more public places in such city or town: *Provided*, that the mayor and aldermen of the city of Providence shall annually, in the month of August, elect such person or persons to be inspectors of milk, and may, at any time during the year thereafter, fill by election any vacancy occurring by reason of death, resignation, absence from the city, or inability to act.

SEC. 3. *Duties and compensation of inspectors.* Every inspector of milk shall have an office and a book for the purpose of recording the names and places of business of all persons engaged in the sale of milk within the limits of his town. He may enter any place where milk is stored or kept for sale and examine all carriages used in the conveyance of milk, and whenever he has reason to believe any milk found by him is adulterated, he shall take specimens thereof and cause the same to be analyzed or otherwise satisfactorily tested, the result of which he shall record and preserve as evidence; and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter. Such inspector shall receive such compensation as the mayor and aldermen or town council shall determine.

SEC. 4. *Sampling of suspected milk.* Whenever the inspector of milk shall have reason to believe that adulterated produce or food is being sold or kept for sale contrary to law, he shall take at least two specimens from the same package or bulk as samples thereof, such specimens, if solid, not to exceed in weight one pound each, and, if liquid, not to exceed in measure one pint each. He shall take said samples in the presence of the owner or his agent, and shall seal and label the same in the presence of such owner or agent, said labels to state the kind of provisions or food and the name of the seller, and shall then and there deliver one of said samples to such owner or agent.

SEC. 5. *Registration; penalties.* Whoever, engaging in or being engaged in the business of selling milk and conveying the same for sale, neglects to cause his name and place of business to be recorded in the inspector's book and his name to be legibly and conspicuously placed and constantly kept upon all carriages and vehicles used by him in the conveyance of milk or in the sale thereof, and whoever, being engaged in the business of selling milk and conveying the same for sale, shall neglect to renew such record annually between the first day of February and the first day of March, shall be fined twenty dollars for the first offence and fifty dollars for the second and each subsequent offence; and whoever offers for sale milk produced from cows fed upon the refuse of distilleries or any substance deleterious to the quality of the milk and whoever offers for sale milk produced from sick or diseased cows, shall be fined twenty dollars for the first offence and fifty dollars for every subsequent offence; and whoever, in the employment of another, violates any provision of this

^aChapter 98 of the General Laws of Rhode Island, relating to contagious disease among cattle, forbids the sale of milk from domestic animals infected with any contagious disease (sec. 6).

section shall be held equally guilty with the principal and shall suffer the same penalty.

SEC. 6. *Adulterated or watered milk.* No person shall sell or exchange or have in his possession with intent to sell or exchange, or offer for sale or exchange, adulterated milk or milk to which water or any foreign substance has been added.

SEC. 7. *Skimmed milk to be so marked.* Every person who shall sell, exchange or deliver, or shall have in his custody or possession with the intent to sell or exchange or deliver, for himself or as the employee of any other person, milk from which the cream or any part thereof has been removed, or which shall not contain two and one-half per centum of milk-fats, shall distinctly mark, in letters not less than one inch in length, in a conspicuous place above the center, upon the outside of every vessel, can or package containing such milk, the words SKIMMED-MILK, and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

SEC. 8. *Milk standard.* In all prosecutions under sections six and seven of this chapter, if the milk shall be shown upon analysis to contain more than eighty-eight per centum of watery fluids, or to contain less than twelve per centum of milk-solids, or less than two and one-half per centum of milk-fats, it shall be deemed for the purpose of said sections to be adulterated.

SEC. 9. *Penalties.* Every person who shall be found guilty before a district court of violating any of the provisions of the three sections next preceding, upon the first conviction shall be fined twenty dollars; and upon the second, and every subsequent conviction, shall be fined twenty dollars and be imprisoned in the county jail for ten days.

SEC. 10. *Inspector to enter complaints.* Every inspector of milk shall institute complaints on the information of any person who shall lay before him satisfactory evidence by which to sustain the same.

SEC. 11. *Inspectors to publish this law.* Every inspector of milk shall cause the provisions of this chapter to be published in his town at least three times in some newspaper published in said town or some newspaper in the county in which the town is situated.

SEC. 12. *Inspector to publish convictions.* Every inspector of milk shall cause the name and place of business of all persons convicted under this chapter to be published in two newspapers published in the town or county where the offence shall have been committed.

SEC. 13. *Prosecutions.* Any chief of police and any inspector of milk, and such special constables as the town council of any town, or the board of aldermen of any city, may appoint for that purpose, may make complaints and prosecute for all violations within the city or town wherein they are appointed or elected, of any of the provisions of this chapter; and they each shall be exempt from giving surety for costs on any complaint made as aforesaid.

General Laws, 1896, ch. 147, p. 453.

SEC. 1. *Inspectors of milk may appoint collectors of samples.* Any inspector of milk of any town or city now in office or hereafter elected under authority of Chapter 147 of the General Laws, entitled "Of Milk," or of any act in amendment thereof, may employ, subject to the approval of the town council or the mayor and aldermen, one person as collector of samples, who shall have the same powers and be subject to the same duties and liabilities provided by law relative to the taking of specimens or samples, as an inspector of milk. All specimens or samples taken and retained by any such collector shall be delivered to such inspector, who shall have the same powers and duties relative to the same as in case of specimens or samples taken by himself. Such inspector at any time may discontinue the employment of any such collector, and subject to the approval aforesaid, employ another person in his stead.

Such collector upon being employed shall be duly engaged to the faithful discharge of his duties before the city or town clerk, who shall keep a record thereof; and shall receive such salary as the mayor and aldermen or town council shall determine.

Passed May 13, 1896. General Laws, 1896, ch. 333.

VINEGAR.

SEC. 1. *Adulterated vinegar prohibited.* No person shall by himself, his servant, or agent, or as the servant or agent of any other person, sell, exchange, or have in his custody or possession, with intent to sell or exchange, or expose or offer for sale or exchange, any adulterated vinegar, or label, brand, or sell as cider^a vinegar any vinegar not made exclusively from apple cider.—*As amended April 17, 1903, Laws of 1903, ch. 1107, p. 42.*

SEC. 2. *Vinegar standard.* All vinegars shall be without artificial coloring-matter, and shall have an acidity equivalent to the presence of not less than four and one-half per centum by weight of absolute acetic acid; and in case of a cider-vinegar, shall contain in addition not less than two per centum by weight of cider-vinegar solids upon full evaporation at the temperature of boiling water; and if any vinegar contains any artificial coloring-matter, or less than the above amount of acidity, or, in the case of a cider-vinegar, if it contains less than the above amount of acidity or of cider-vinegar solids, it shall be deemed to be an adulteration within the meaning of this chapter.

SEC. 3. *Complaints; inspectors' charges.* Inspectors of milk, or such other officers as town councils may appoint, shall make complaint for all violations of this chapter, and shall not be required to give surety for costs; and for the services required of them by this chapter shall receive compensation to be fixed by the town council; the compensation for the inspection of vinegar to be fixed at a sum not exceeding twenty-five cents for the inspection of each barrel of vinegar, such compensation to be paid, by the person having such inspection made, to such inspector.

SEC. 4. *Inspection and analyses.* Every inspector of milk, or any officer appointed as hereinbefore provided, may enter any place where vinegar is stored or kept for sale, and examine all carriages used in the conveyance of vinegar; and whenever he has reason to believe any vinegar found by him is adulterated, he shall take specimens thereof and cause the same to be analyzed or otherwise satisfactorily tested, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter.

SEC. 5. *Penalty.* Any person violating the provisions of this chapter shall be fined not exceeding one hundred dollars.

SEC. 6. *Adulteration defined.* All vinegars shall be without any metallic salts of arsenic, lead, copper, tin, or zinc, or any sulphuric, hydrochloric, nitric, or other mineral acid injurious to health; and if any vinegar contains any metallic salts of arsenic, lead, copper, tin, or zinc, or any sulphuric, hydrochloric, nitric, or other mineral acid injurious to health, it shall be deemed to be adulterated within the meaning of this chapter.—*Added April 17, 1903, Laws of 1903, ch. 1107, p. 42.*

General Laws, 1896, ch. 148, p. 456.

^a So in Statutes.

SOUTH CAROLINA.

The State board of health is charged with the enforcement of the food and drug laws of the State, and is authorized to appoint inspectors, analysts, and chemists, and prepare rules and regulations with regard to the proper method of collecting and examining samples. The law of March 9, 1896, provides that the sworn certificate of the chemist of the State Agricultural College regarding the analysis of a suspected sample shall be recognized in all courts as *prima facie* evidence of the composition of that sample. No attempt has been made to enforce the food laws in this State, and no appropriation has been granted for that purpose.

GENERAL FOOD LAWS.

306. *Penalty for selling adulterated or unwholesome food or drink.* Whoever shall knowingly sell or expose, or offer for sale, or have in his possession with intent to sell, or offer for sale, any kind of meat or vegetables, or fruits, or other articles of provisions, whether for food or drink, that are diseased, corrupted or unwholesome for food or drink, or shall fraudulently adulterate or cause to be adulterated for the purpose of sale, or have in his possession with intent to sell or offer for sale, any article or kind of food or drink so adulterated, shall be guilty of a misdemeanor, and, upon conviction thereof in a Court of competent jurisdiction, shall be punished by fine or imprisonment, not exceeding one hundred dollars fine or thirty day's imprisonment. And the article so adulterated shall be forfeited and destroyed.

306b. (1) *False labeling prohibited.* From and after the passage of this Act it shall be unlawful for any person, firm or corporation to brand, stamp, mark or label any article of food or food product, or any substance used as food, mixed or unmixed, manufactured or not, so as to misrepresent its true value or constituent parts, or to mark, label, brand or stamp with any name or designation any such articles by any other than its true name or source of its origin.

(2) *Penalty.* Every person, firm or corporation falsely marking, branding or labeling any article of food or food product, such as contemplated in Section one of this Act, or exposing to, or offering for sale any such products, knowing the same to be falsely or fraudulently marked, branded, stamped or labelled, shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of five hundred dollars, or be imprisoned one year at hard labor, or both, in the discretion of the Court.—*Added March 12, 1904, Laws of 1904, ch. 297.*

Code of Laws, 1902, ch. 15, pp. 333-334.

318. (1) *Penalty for handling adulterated food or liquors.* No person shall within this State manufacture, brew, distill, have, offer for sale, or sell, any articles of food, drugs, spirituous, fermented or malt liquors which are adulterated within the meaning of Section 1582 of the Civil Code, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifteen days,

for the first offense, and not exceeding one hundred dollars or imprisonment for thirty days, or both, for each subsequent offense.—*Code of Laws, 1902, vol. 2, ch. 15, p. 336.*

1578. (5) *Enforcement of law by State board of health.* The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food, drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purpose may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. Within sixty days after February 19th, 1898, the said State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement thereof. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs, articles of food, and spirituous, fermented and malt liquors.

1579. (4) *Exemptions.* It shall be the duty of the State Board of Health to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this Article in accordance with the preceding Section. The State Board of Health shall from time to time fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any national Pharmacopœia.

1580. (6) *Penalty for hindering enforcement of law.* Every person offering or exposing for sale, or delivering to a purchaser, any drug or article of food, or spirituous, fermented or malt liquors included under the provisions of Section 1578, shall furnish to any analyst, or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of analysis of any such drug or article of food or drink which is in his possession.

1581. (2) *"Food" and "drug" defined.* The term "food" as used in Section 1578 shall include every article used for food or drink by man, including all candies, teas, coffees, and spirituous, fermented and malt liquors. The term "drug" as used in Section 1578 shall include all medicines for internal or external use.

1582. (3) *"Adulteration" defined.* An article shall be deemed to be adulterated:

(a) In the case of drugs:

1. If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia or other standard work on Pharmacopœia Materia Medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity falls below the professed standard under which it is sold.

(b) In case of food or drink:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of, or be sold under, the name of another article.

5. If it consists wholly or in part of a deceased,^a or decomposed, or putrid, or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

^aSo in Statutes.

7. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming: *Provided*, That the State Board of Health may declare from time to time certain articles or preparations to be exempt from the provisions of Sections 1578 to 1582: *And provided, further*, That the provisions of Sections 1578 to 1582 shall not apply to mixtures or compounds recognized as ordinary articles of food, provided that the same are not injurious to health, and that the articles are distinctly labeled as a mixture, stating the components of the mixture.

(c) In the case of spirituous, fermented and malt liquors: If it contains any substance or ingredient not normal or healthful to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage or as a medicine, and if it does not conform in respect to strength and purity required by the laws of this State.—*Approved February 19, 1898. Acts of 1898, p. 803.*

Code of Laws, 1902, vol. 1, ch. 34, pp. 614-616.

1583. Gauging of liquids. All oils, molasses, syrups, wines, vinegar and liquors, (not domestic) sold in the City of Charleston, either by the hogshead, pipe, puncheon, barrel, cask, keg or tank, shall, before their delivery, be gauged, by a sworn Gauger, elected by the City Council of Charleston, whose term of office shall be for four years.

1584. Only duly elected gaugers can act. It shall not be lawful for any person or persons, except those duly elected by the City Council of Charleston, to exercise the duties of Gauger, or gauge any of the aforesaid articles, under such penalty for each offense as may have been or may hereafter be fixed by the ordinances of the said city, the said penalty to be recovered in any Court of competent jurisdiction.

1585. Fees. The fee charged for the said gauging shall not exceed ten cents per package, to be paid by the seller to the authorized Gauger; and all fees accruing to the city gaugers in the discharge of their duties shall be equally shared between them.

Code of Laws, 1902, vol. 1, ch. 34, pp. 616-617.

ALCOHOLIC BEVERAGES.

555. Handling of alcoholic beverages prohibited; penalties; inspection and analysis; certificate. The manufacture, sale, barter or exchange, receipt, or acceptance for unlawful use, delivery, storing and keeping in possession within this State of any spirituous, malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors, any compound or mixture thereof, by whatever name called or known, which contains alcohol and is used as a beverage, except as is hereafter provided, is hereby prohibited under a penalty of not less than three nor more than twelve months at hard labor in the State Penitentiary, or pay a fine of not less than \$100 nor more than \$500, or both fine and imprisonment, in the discretion of the Court, for each offense. All alcoholic liquors in this State, whether manufactured within this State or elsewhere, not having been tested by the chemist of the South Carolina College and found to be pure and free from poisonous, hurtful and deleterious matters, are hereby declared to be of a detrimental character, and their use and consumption are against the morals, good health and safety of the State, and all such liquors may be seized wherever found, without a warrant, and disposed of as hereinafter provided. Any person resident in this State intending to import for personal use and consumption any spirituous, malt, vinous, fermented, brewed or other liquor containing alcohol from any other State or foreign country shall first certify to the chemist of the South Carolina College the quantity and kind of liquor proposed to be imported, together with the name and place of business of the person, firm or corporation from whom it is desired to purchase, accompanying

such certificate with a statement that the proposed consignor has been requested to forward a sample of such liquor to the said chemist at Columbia, South Carolina. Upon receipt of said sample the said chemist shall immediately proceed to test the same, and if found to be pure and free from any poisonous, hurtful or deleterious matters he shall issue a certificate to that effect, stating therein the names of the proposed consignor and consignee, and the quantity and kind of liquor proposed to be imported thereunder, which certificate shall be dated and forwarded by the said chemist post paid to the proposed consignor at his place of business. The said consignor shall cause such certificate to be attached to the package containing the liquor when it is shipped into this State, and no package bearing such certificate shall be liable to seizure and confiscation, but any package of spirituous, malt, vinous, fermented, brewed or other liquor or liquid containing alcohol imported into this State without such certificate, or any package containing liquor other than that described in the certificate thereto attached, or any package shipped by or to any person or persons not named in such certificate, shall be seized and confiscated as provided in this Chapter. Any certificate obtained from the chemist as herein provided shall be used within sixty days after the date of its issue and shall be invalid thereafter. It shall be unlawful to use said certificate for more than one importation, and any persons attempting to counterfeit said certificate or to make improper use thereof or who shall make any false statement in obtaining or attempting to obtain the same shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than thirty days nor more than twelve months, or pay a fine of not less than one hundred nor more than one thousand dollars. Any person or persons convicted of selling or otherwise unlawfully disposing of any liquor imported under the provisions of this Chapter shall suffer double the punishment provided for a sale in violation of other provisions of this Chapter. All expenses incurred in enforcing the provisions of this Section, including compensation for such assistant chemists as may be necessary to make prompt analysis and the express charges on samples, shall be paid by the Board of Directors of the State Dispensary hereinafter provided for, as an expense of the State Dispensary established by this Chapter. If the chemist of the South Carolina College shall wilfully fail or refuse to make or have made an analysis of any sample sent to him in accordance with the provisions of this Section he shall, upon conviction thereof before a Court of competent jurisdiction, be fined one hundred dollars for each offense.

Code of Laws, 1902, vol. 2, ch. 27, pp. 416-418.

CANDY.

307. *Addition of injurious ingredients.* No person or corporation shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, or by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

Any person or corporation convicted of violating any of the provisions of this Section shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under direction of the Court.

Approved March 9, 1896. Acts of 1896, ch. 22, p. 214; Code of Laws, 1902, vol. 2, ch. 15, p. 334.

CORN MEAL.

SEC. 1. *Corn meal—weight of bushel.* The standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight pounds.

SEC. 2. *Corn meal—size of packages—branding.* It shall be unlawful for any person or persons to pack for sale, sell or offer for sale, in this State, any corn meal, except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth bushel, or one-eighth bushel, respectively. Each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight: *Provided*, The provisions of this Section shall not apply to the retailing of meal direct to customers from bulk stock, when priced and delivered by actual weight or measure.

SEC. 3. *Penalty.* Any person or persons guilty of violating either of the foregoing Sections of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both fine and imprisonment, in the discretion of the Court.

SEC. 4. *Date of taking effect.* This Act shall be of force and effect from and after April first, 1903.

SEC. 5. *Repeal.* All Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Approved February 23, 1903. Acts of 1903, No. 85, p. 126.

DAIRY PRODUCTS.

308. *Use of unwholesome milk.* It shall not be lawful for any person or corporation or agent knowingly to sell or expose for sale, or deliver for domestic use, or to be converted into any product of human food whatsoever, any unclean, impure, unwholesome, adulterated or skimmed milk, or milk from which has been held back what is known as strippings, or milk taken from an animal having disease, sickness, ulcers or abscesses: *Provided*, That this Section shall not prohibit the sale of buttermilk or of skimmed milk when sold as such.

For the purposes of this Section, milk which is proven by any reliable test or analysis to contain less than three percentum of butter-fat and eight and one-half per cent. of solids other than butter-fat shall be regarded as skimmed milk.

For the purposes of this Section, every article, substance, or compound, other than produced wholly from pure whole milk, or cream from the same, made in semblance of butter or of cheese, and designed to be used as a substitute for butter or cheese made from pure milk or cream from the same, is hereby declared to be imitation butter or imitation cheese, as the case may be: *Provided*, The use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

309. *Coloring of imitation butter and cheese.* No person shall coat, powder or color with annatto or any coloring matter whatever any substance designed to be used as a substitute for butter or for cheese whereby such substance or product shall be caused to resemble butter or cheese the product of pure milk or cream.

310. *Compounding foreign ingredients with butter and cheese.* No person shall combine any animal fat or vegetable oil or other substance with butter or cheese, or combine with butter or cheese, or with animal fat or vegetable oil or combination of the two, or any other substance or substances whatever, any annatto or any other coloring matter for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substance shall resemble genuine yellow butter or cheese, nor introduce any such coloring matter or any such substance into any of the ingredients of which such substitute may be composed: *Provided*, That nothing in this or the three preceding Sections shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the products of pure milk or cream from the same.

311. *Selling of imitation butter and cheese.* No person shall by himself, or employee, or agent produce or manufacture, or sell, or keep for sale, or offer for sale, any imitation butter or imitation cheese made or compounded in violation of this or the four preceding Sections, whether such imitation shall have been made or produced in this State or elsewhere: *Provided*, That said Sections shall not be construed to prohibit the manufacture and sale of imitation butter or imitation cheese, under the regulations hereinafter provided, not manufactured or colored as herein prohibited.

312. *Branding of butter and cheese substitutes.* Every person who lawfully manufactures any substance designed to be used as a substitute for butter or for cheese shall mark by branding, stamping or stenciling upon the top and side of each tub, box or other vessel in which such substitute shall be kept, or in which it shall be removed from the place where produced, in a clear and durable manner, in the English language, the words "substitute for butter", or "substitute for cheese", as the case may be, in printed letters in plain Roman type, each of which shall be not less than one inch in height and one-half inch in breadth.

313. *Possession of butter and cheese substitutes.* No person shall have in his possession or control any substance designed to be used as a substitute for butter or for cheese unless the tub, box or other vessel containing the same shall be clearly and durably marked as provided in Section 303: *Provided*, That this Section shall not apply to a person who has such imitation butter or imitation cheese in his possession for the actual consumption of himself or family.

314. *Imitation butter and cheese sold as genuine.* No person, by himself or agent or employe, shall sell or offer for sale any imitation butter or imitation cheese under the pretense that the same is genuine butter or genuine cheese.

315. *Regulations as to use of imitation butter or cheese in hotels, etc.* No keeper or proprietor of any hotel or restaurant or other person having charge thereof, shall knowingly use, or serve therein, either as food or for cooking purposes, any imitation butter or cheese, as defined in Section 308, unless such keeper, proprietor or other person in charge of such place of entertainment shall keep constantly posted in a conspicuous place in the room or rooms, or other place or places where such imitations shall be served, so that the same may be easily seen and read by any person in such room or place, a white card, not less than ten by fourteen inches in size, on which shall be printed in the English language, in plain black Roman letters, not smaller than one inch in height and one-half inch in width, the words "imitation butter used here", or "imitation cheese used here", as the case may be, and the cards shall not contain any other impressions than the words above prescribed.

316. *Penalty.* That any person violating any provisions of Sections 308 to 315 shall be guilty of a misdemeanor and may be proceeded against by any of the processes provided for misdemeanors, and may be tried by any Court having jurisdiction of misdemeanors in this State, and upon conviction shall be punished by a fine not to exceed one hundred dollars and not less than ten dollars. One-half of said fine to go to the informer through whose agency such conviction shall be had.

317. *Certificate of chemist evidence.* The sworn certificate of "the Chemist of the Clemson Agricultural College of South Carolina" of analysis of a suspected sample shall be recognized in any and all Courts of this State as prima facie evidence of such analysis and of the composition and character of such sample.

Approved March 9, 1896. Acts of 1896, pp. 215-217; Code of Laws of 1902, vol. 2, ch. 15, pp. 334-336.

FLOUR.

1559. *Appointment of city inspector, Charleston; bond.* The City Council of Charleston shall appoint a competent person as Inspector of Flour for the City of Charleston, who shall hold his office for two years, and who shall give bond to the State of South Carolina, with good security, to be approved by the City Council of Charles-

ton, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties of the said office.

1560. *Flour sold in Charleston must be inspected; exported flour exempted.* It shall not be lawful, if inspection be demanded by the seller or purchaser, to sell in the City of Charleston any barrel, half barrel or bag of flour or meal of wheat, rye or corn unless the same shall have been first submitted to the view and examination of the Inspector of the aforesaid city, and by him examined in some lot, street or warehouse, open and accessible to all persons; but flour of wheat, rye or corn manufactured in the City of Charleston for export to any other port or ports beyond the limits of the State shall not be liable to inspection in the said city.

1561. *Construction of barrels.* Every cask or barrel containing flour or meal of wheat, or rye or corn brought into or manufactured in the City of Charleston for sale shall be well made, of good seasoned materials, and sufficiently hooped and nailed; and the said Inspector shall cause all casks or barrels not made as aforesaid, and not in merchantable condition, but capable of being made so at a reasonable expense, to be repaired and put in merchantable condition at the expense of the owner thereof.

1562. *Quantity of flour in barrels and half barrels.* Every barrel submitted for inspection as aforesaid shall contain such quantity of flour or meal as upon inspection shall be found to be of the net weight of one hundred and ninety-six pounds; and each and every half barrel shall contain such quantity as shall be of the net weight of ninety-eight pounds; and the said Inspector shall cause all barrels or half barrels containing a less quantity to be made of full weight at the expense of the owners thereof.

1563. *Inspector's brand—locality and grades.* Every cask or bag of flour or meal submitted to the view and examination of the Inspector as aforesaid shall by him be searched and tried, by boring on the head and piercing it through with an instrument by him to be provided; and he shall afterwards plug the same with soft seasoned wood, to prevent the entrance of water therein. If the Inspector shall judge the same to be merchantable, he shall brand every such cask or bag with the word "Charleston", and shall brand the degrees of fineness of which he shall, on inspection, determine the said flour or meal to be, in letters of half an inch in length, which degrees shall be distinguished as follows, to wit: "Family", "Extra", "Super", "Fine", "First Middlings", or "Second Middlings", "Ship Stuff", "First Rye", "Second Rye", "First Corn", or "Second Corn", as the case may be; but if, on examination, it proves unsound, then he shall mark the cask or bag with the broad arrow.

1564. *Inspection fee.* The Inspector shall be allowed not more than two and a half cents per package for inspecting, which shall be paid by the owner thereof, or his agent.

1565. *Deputy inspector.* In case of sickness or temporary absence of the Inspector, or if necessary for the convenient dispatch of the duties of his office, he is hereby empowered to appoint a deputy to act for him during such sickness, absence, or such time as he may think proper, who shall also be made liable to the same penalties, and shall take the oath hereinafter prescribed.

1566. *Inspector's oath of office.* The Inspector of Flour and Meal under this Chapter shall, before he proceeds to perform the duties, make oath or affirmation, as the case may be, before the Clerk of the Court of Common Pleas, that, without fear, favor or affection, malice, partiality or respect of persons, he will diligently and carefully examine and inspect, to the best of his skill and ability, all flour or meal offered to him for inspection, and that he will brand, or cause to be branded, as merchantable, all barrels, half barrels or bags of flour or meal that appear sufficiently sweet and sound, and no other, according to the best of his knowledge and judgment; and also the oath provided for public officers.

1567. *Flour in transit not subject to inspection in Charleston.* No flour merely passing through the City of Charleston from any place in this or any other State to another port or place out of this State shall be required to be inspected in the said City of Charleston: *Provided*, Such flour be distinctly marked before it comes into the said city, upon the barrels or bags, with the name of the place from whence it comes, and the name of the port or place of its destination, with the words "in transit" between the names of the said two places.

1568. *Flour committee to arrange flour standards.* The Charleston Chamber of Commerce shall appoint a Flour Committee consisting of five members, who shall arrange and adopt suitable standards for the different grades of flour; the standards so selected to conform as nearly as possible to similar standards adopted by the Boards of Inspection in the principal Atlantic cities.

1569. *Grades of flour; standard brand.* The said Committee shall, as often as once in every three months, provide and adopt suitable standards for the different grades of flour, viz.: "Fine," "Superfine," "Extra," "Family," and "Extra Family." The standards thus approved shall be kept in the possession of the committee for reference in all cases of dispute which may arise. They shall also furnish the Inspector or Inspectors herein provided for with similar standards for their guidance; and all flour inspected by the said Inspector shall be legibly branded or marked "Charleston Chamber of Commerce Standard", with grade, day, month, year, and name of Inspector.

1570. *Flour committee to give final decision in disputed cases.* The said Flour Committee shall also be umpire to settle and decide all cases of dispute that may arise in reference to the inspection of flour between the Inspectors and the parties for whom the inspection may have been performed; and when an Inspector is charged with passing flour which proves to be below the standard, unsound or damaged when inspected, or deficient in any way, it shall be the duty of said committee, when called upon, to investigate the case, and, if the Inspector is in fault, to assess such damages to be paid by him as in their judgment is fair and just. In all cases calling for their action a majority of said Committee shall constitute a quorum, and their decision in such cases shall be made in writing; the decision so made, however, to be subject to the right of appeal by either party to the Arbitration Court of the said Chamber of Commerce—the decision of the said Court to be final; and suit may be brought on the bond herein provided for the Inspector, if he shall be in default, in the name of the Charleston Chamber of Commerce, by the party in whose favor a decision may be so made, to recover the amount of damages so assessed.

1571. *Inspectors appointed by committee.* The said Committee shall appoint one or more Inspectors of Flour; and the Inspectors so appointed shall each make and execute a good and satisfactory bond to the Charleston Chamber of Commerce in the penal sum of two thousand dollars (\$2,000), (the said bond to be approved by the President of said Charleston Chamber of Commerce), conditioned for the faithful performance of the duties of the Inspector, and for the payment of all claims and demands which may be decided against him as aforesaid: *Provided, always*, That the said Committee shall have power to suspend or dismiss an Inspector at any time for any cause satisfactory to them; and no Inspector so to be appointed shall be directly or indirectly engaged in the flour trade during such time as he may hold the office, on penalty of the forfeiture of his commission as Inspector.

1572. *Duty of inspectors.* It shall be the duty of the Inspectors so appointed carefully to inspect all flour submitted to them, and to decide on the grade and soundness of the same; all flour thus inspected must be equal in quality to the standard furnished by the Committee; and any Inspector passing flour which is not equal in quality to the standard for the grade which he makes it, shall be liable for any damage accruing from such action.

1573. *Weighing of barrels of flour; fees.* It shall be the duty of the Inspector to weigh a suitable number of barrels of each lot of flour inspected, to be assured that they contain the full weight of one hundred and ninety-six (196) pounds, and no Inspector shall use the brand of the Charleston Chamber of Commerce on any flour in barrels that is of less weight than one hundred and ninety-six (196) pounds to the barrel. For such inspection, weighing, and branding, the Inspector shall receive two (2) cents per barrel or bag for each and every barrel or bag so inspected, weighed and branded, to be paid by the party requesting the same to be done, and the same fee on re-inspection.

1574. *Fee of members of committee in disputed cases.* In all cases calling for the action of the Committee to decide disputes as regards grade, soundness, or any other defect, between the Inspector and parties for whom such inspection has been made, the members of the Committee serving in said cases shall be paid one dollar for each meeting, the amount to be paid by the party against whom the case is decided by the Committee, or, in case of appeal, by the party against whom the appeal Court, herein provided for, shall decide.

1575. *Toll for grinding grain.* No person shall take more toll for grinding corn, wheat, rye or any other grain into good meal or flour than one-eighth part of any quantity under ten bushels, and for ten bushels, or any quantity above, at one time brought, one-tenth part only; and for all grain, as aforesaid, chopped for hominy, feeding stock or for distilling, one-sixteenth part.

1576. *Fine.* Any person or persons taking more toll than hereinbefore directed shall be subject to pay a fine to the amount of ten times the value of the toll so taken, to be recovered in the most summary way before the nearest Magistrate; one-half to the prosecutor and the other half to the person aggrieved.

1577. *Municipal control of measurement and weight.* The City Council of Charleston shall have full power and authority to regulate and control the sale of grain by measurement or weight, or both, sold within the corporate limits of the city, in such manner as will insure a fair, equal and uniform sale and measurement of the same.

Code of Laws 1902, vol. 1, ch. 34, pp. 610-614.

MEAT.

305. *Sale of meat from diseased animals; penalty.* Any person who shall knowingly sell, or expose for sale, the flesh of any animal which was diseased or seriously injured at the time of slaughtering, or which died a natural death, or which may be found dead from a cause, or causes, unknown to such person, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars, nor more than one hundred dollars, or imprisoned not less than ten nor more than thirty days: *Provided*, That this Section shall not apply to the sale of the flesh of any animal which is accidentally killed, when the same is immediately prepared for market, and the seller informs the buyer of the time, place and nature of the death of such animal.

As amended February 22, 1905, Acts of 1905, ch. 432, pp. 866-867; Code of Laws 1902, vol. 2, ch. 15, p. 333.

1596. *Weight of barrels of pork or beef; packing regulations.* Every barrel of pork or beef packed and sold in this State shall contain thirty gallons and two hundred pounds weight of wholesome, well-cured meat in the same, which shall be weighed by the packers, and well packed with salt and pickle, each piece not to weigh more than eight pounds, and not to be cut or mangled further than to take out the kernels or where the bones require it, and not more than two heads in one barrel of pork. No beef's heads or shanks shall at all be packed.

1597. *Penning before slaughter; penalty.* In case any person shall kill any cattle to put in barrels for sale, without having first penned them twelve hours before killing them, every such person shall forfeit the sum of ten dollars, current money, for every head of cattle so killed, to the person who will sue for the same, to be recovered before any Magistrate.

1598. *Construction of casks.* Every person in this State shall make the casks for packing beef or pork of sound, dry, and well-seasoned white or water oak timber, without sap, the heads as well as bodies of which casks shall be made tight, so as to hold pickle, and shall fill the said casks with water before the same are packed with any beef or pork.

Code of Laws, 1902, vol. 1, ch. 34, pp. 619-620.

RICE.

1599. *Fraudulent mixtures of rice; penalty.* If any planter or other person shall sell or expose for sale to any merchant, factor, or any other person, at any port or place of exportation within this State any casks or barrels of rice which, upon opening or uncasking the same, shall be found to contain any unfair and fraudulent mixture of small or damaged rice, then, and in every such case, the seller of the said rice, or person offering the same for sale, shall immediately, on request of the buyer, or person offering to buy the same, name one indifferent person, being a freeholder, and the said buyer another, to view the said rice, and if such two persons shall agree in opinion, and certify the same in writing under their hands, that such rice was deceitfully and fraudulently packed and exposed for sale, every such cask or barrel so fraudulently packed and exposed for sale, shall be forfeited to the State, and the same shall be sold or caused to be sold by the State Treasurer, or by the person or persons who shall condemn the same for the use aforesaid, who shall be allowed thereout five per cent for their trouble.

1600. *Nomination of persons to certify to quality of rice.* If the seller shall refuse to nominate a person to view the said rice, then the buyer shall nominate both the persons to view such rice, who shall have the same power as if one had been named by the seller and one by the buyer: *Provided*, That in case the said persons nominated as aforesaid shall not agree in opinion, they shall have power to nominate a third person, being a freeholder as aforesaid, who shall have the same power as the first two by this Chapter have; and in case either of the said two persons shall refuse or neglect to join or cannot agree in nominating such third person, then in such case any Magistrate, on notice given by both or either of the said persons, shall, and he is hereby, required to nominate such third person, which third person shall have the same power in the premises as if he had been nominated by both. And such adjudication and certificate shall be made within twenty-four hours from the first application, and the said certificate shall be deemed a sufficient condemnation of the said rice to warrant the sale thereof as aforesaid; any law, statute, usage, or custom to the contrary notwithstanding.

Code of Laws, 1902, vol. 1, ch. 34, p. 620.

SOUTH DAKOTA.

The State food and dairy commissioner is charged with the administration of the food laws of South Dakota. The chemical work in connection with the enforcement of the law is performed by the chemist of the State agricultural experiment station.

GENERAL FOOD LAWS.

SEC. 242. * * * *Powers and duties of state board of health.* 5th. To remove, or cause to be removed, any dead, decaying or putrid body, or any decayed, putrid or other substance that may endanger the health of persons or domestic animals.

6th. To condemn and cause to be destroyed any impure or diseased article of food that may be offered for sale.

Session Laws 1903, ch. 217, p. 292; Revised Codes, 1903, Political Code, art. 6, subdivision 1, sec. 242, pp. 45-46.

467. *Adulterated products represented to be pure.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor, or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

468. *Tainted or unwholesome products.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.

Revised Codes of 1903, Penal Code, ch. 38, pp. 1149-1150.

1334. One who makes a business of selling provisions for domestic use, warrants, by a sale thereof, to one who buys for actual consumption and not for the purpose of sale, that they are sound and wholesome.

Revised Codes, 1903, Civil Code, p. 766.

SEC. 1. *Creation of food and dairy department; commissioner.* The Food and Dairy Department of the state of South Dakota is hereby created. Said department shall be in charge of an officer to be known as food and dairy commissioner, who shall be appointed by the governor, by and with the consent of the senate,^a The term of office of said commissioner shall commence on the first Monday in February of each odd numbered year and shall be for a term of two years, or until his successor shall be appointed and shall qualify. Vacancies occurring in the office for any cause shall be filled by appointment by the governor for the unexpired term. Said commissioner shall give a bond of \$5,000 running to the state. The salary of said commissioner shall be twelve hundred (\$1,200) dollars per annum.

^a So in Statutes.

SEC. 2. *Appointments by commissioner.* The food and dairy commissioner shall have the power to appoint a department analyst and such inspectors and office assistants as shall be necessary to carry out the provisions of this act, and to fix their compensation.

SEC. 3. *Duties of commissioner—enforcement; reports; licenses.* It shall be the duty of the said commissioner to enforce all laws that now exist, or that may hereafter be enacted, in this state, for the purpose of preventing adulteration, misbranding and imitation of foods, beverages, candies and condiments; to enforce the laws regarding the production, manufacture and sale of dairy products, and to perform such other duties as may be provided by law. He shall make annual report to the governor for each fiscal year ending June 30th, showing in detail the work of this department. He shall, also, so far as practicable, either in person or by his agents, encourage, assist and instruct those desiring him to do so, in the organization of creameries or cheese factories, associations and corporations, by lectures, pamphlets or practical demonstration. He shall also license buttermakers and cheesemakers, creameries and cheese factories in the manner hereinafter provided.

SEC. 4. *Department analyst.* It shall be the duty of the department analyst to make such chemical analysis and tests as may be required of him by the food and dairy commissioner, and to report the result of such analysis to said commissioner as soon as practicable.

SEC. 5. *Expenses.* The necessary and actual expenses of the commissioner, analyst, inspectors and other employees of the department shall be paid monthly, upon duly itemized and certified bills, in the manner provided by law.

SEC. 6. *Definitions.* The term "food" as used herein shall include all articles used for food, drink, flavoring, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound.

SEC. 7. *Adulteration defined.* For the purposes of this act any article of food shall be deemed to be adulterated in any of the following cases:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality, strength or purity.
2. If any substance or substances has or have been substituted wholly or in part for it.
3. If any valuable ingredient or constituent of the article has been wholly or in part abstracted from it.
4. If it contain any added poisonous or other ingredient which may render such article injurious to the health of the person consuming it.
5. If it consists in whole or in part of a diseased, filthy or decomposed animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.
6. If it be mixed, colored, coated, powdered, polished, or stained in a manner whereby its true color or character is concealed.

SEC. 8. *Misbranding defined.* For the purposes of this act an article shall be deemed to be misbranded in any of the following cases:

1. If it be offered for sale under the distinctive name of another article.
2. If it is labeled or branded so as to mislead the purchaser as to the true character of the composition of the article or compound.
3. If the package containing it or the label shall bear any statement, design or device regarding the ingredients, or the substances contained therein, which statement, design or device shall be false or misleading in any particular, or if the same is falsely branded or labeled as to the state, territory or country in which it is manufactured or produced.

SEC. 9. *Labeling of mixtures, etc.* Any article of food which does not contain any added poisonous or deleterious ingredients, shall not be deemed to be adulterated or

misbranded within the meaning of this act, provided, such article be plainly and conspicuously labeled or branded so as to indicate that it is a mixture, compound, combination, imitation or blend, and shows the true character and constituents used therein, provided that this provision shall not be construed to authorize the use of artificial coloring matter or preservatives. And provided further, that any article consisting of such a mixture, compound, combination, imitation or blend shall be plainly labeled or branded upon the outside and face of the package or container from or in which said article shall be sold, with the names and proportions of its constituent parts appearing upon the same label and in as large and prominent characters or type as the trade name of such article.

SEC. 10. *Sale of adulterated or misbranded food unlawful.* It shall be unlawful for any person, acting for himself or as the servant or agent of any other person, firm or corporation, to manufacture, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act.

SEC. 11. *Prepared foods must be labeled as to manufacturer and factory.* It shall be unlawful for any person to sell, offer or expose for sale any article of prepared foods, unless the true name of the manufacturer and the location of the factory where such article of food is prepared is plainly printed or stenciled on the package, box, can, carton or other container.

[Secs. 12-32, 35-42 found under various heads describing subject matter.]

SEC. 33. *Use of preservatives and dyes unlawful.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any article of food to which has been added formaldehyde, borax, boracic acid, benzoic acid, sulphites or sulphurous acid, salicylic acid, abristol, beta-naphthol, fluorine compounds, saccharine or coal tar dyes.

SEC. 34. *Penalty.* Any person violating any of the provisions of the preceding sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment for each offense.

SEC. 43. *Penalty for hindering execution of law.* Whoever hinders, or obstructs, or in any way interferes with the food and dairy commissioner, or his employes, deputies or inspectors, in the performance of his or their duty, shall be punished by a fine of fifty dollars (\$50) for the first offense, and one hundred dollars (\$100) for each subsequent offense, and shall stand committed to the county jail until such fine is paid as provided by law.

SEC. 44. Article eight (8) and Article ten (10), of Chapter twenty-seven (27) of the Revised Political Code, and all other acts and parts of acts in conflict with this act are hereby repealed.

Approved February 24, 1905. Laws of 1905, ch. 114, pp. 161-168.

ALCOHOLIC BEVERAGES.

752. *Adulteration of liquors.* It shall be unlawful for any person or persons to adulterate or cause to be adulterated any intoxicating, vinous or spirituous liquors to be offered for sale as a beverage or for medicinal purposes by mixing with the same any coloring matter or any drug or foreign ingredient whatever, or by mixing the same with other liquors of different kind or quality or with water, or to sell or offer for sale for such purposes such liquors so adulterated. It shall be unlawful for any person to mix with any vinous or spirituous liquors that may be offered for sale by him or his agent any substance or ingredient not normal, or any unhealthful ingredient whatsoever, or any substance that may be deleterious or detrimental to health, when such liquors are to be used as a beverage or for medicinal purposes. It shall be unlawful to sell or offer for sale in this state any vinous or spirituous liquors, to

be used as a beverage or for medicinal purposes, that are not chemically pure and free from all unnatural or abnormal ingredients.

753. Penalty. Any person violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Approved March 8, 1901. Session Laws 1901, ch. 142, p. 244; Revised Codes 1903; Penal Code ch. 57, p. 1183.

SEC. 1. *Adulteration unlawful; must be chemically pure.* It shall be unlawful for any person or persons to adulterate or cause to be adulterated any vinous, spirituous, malt, brewed, fermented or other intoxicating liquors to be offered for sale as a beverage [or] for medicinal purposes by mixing with the same any coloring matter or any drug or foreign ingredient whatever, or by mixing the same with other liquors of different kind or quality, or with water, or to sell or offer for sale for such purposes such liquors so adulterated; to mix with any vinous, spirituous, malt, brewed, fermented or other intoxicating liquors that may be offered for sale by him or his agent, any substance or ingredient not normal, or any unhealthful ingredient whatsoever, or any substance that may be deleterious or detrimental to health, when such liquors are to be used as a beverage or for medicinal purposes; or offer for sale in this state any vinous, spirituous, malt, brewed, fermented or other intoxicating liquors to be used as a beverage or for medicinal purposes that are not chemically pure and free from all unnatural or abnormal ingredients. It is hereby made the duty of the food and dairy commissioner of this state to provide for the analysis of such liquors, under the same regulations as are by law prescribed for the testing of articles of food, to enforce the provisions of this act, and to prosecute violations thereof.

SEC. 2. *Penalty.* Any person violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars, and by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

Approved March 7, 1905. Session Laws of 1905, ch. 121, pp. 177-178.

2853. *Addition of deleterious drug, etc.; penalty.* If any person shall adulterate any spirituous or alcoholic liquors, used or intended for drink, by mixing the same in the manufacture or preparation thereof, or by process of rectifying or otherwise, with any deleterious drug, substance or liquid, or if any person shall sell or offer to sell any such spirituous or intoxicating liquors from any barrel, cask or vessel containing the same, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars and not less than fifty dollars, and shall be imprisoned in the jail of the county not more than six months nor less than ten days.

Revised Codes 1903, Political Code, p. 520.

BAKING POWDER. ^a

SEC. 12. *Unwholesome substances prohibited; label.* No person shall manufacture, sell, offer or expose for sale any baking powder that contains any deleterious, injurious or unwholesome substance. There shall be securely affixed to every box, can or package containing baking powder, or any mixture or compound intended for use as a baking powder, a light colored label upon the outside and face of which is dis-

^a See General Food Laws, p. 587, secs. 34, 43, for penalty.

tinctly printed in black ink in legible type no smaller than brevier heavy gothic caps the name and residence of the manufacturer, and the words, "This baking powder is composed of the following ingredients and none other:" and immediately after said words shall be printed in the above style type the true and common name of each and all of the ingredients contained in or constituting a component part of such baking powder, mixture or compound.

Approved February 24, 1905. Laws of 1905, ch. 114, pp. 163-164.

CANDY. ^a

SEC. 14. It shall be unlawful for any person to manufacture, sell, offer or expose for sale any candy which contains terra alba, barytes, talc, paraffine, ^bchrome yellow or other mineral substances or poisonous colors or flavors or other ingredients injurious to health.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 164.

CATSUP. ^a

SEC. 15. *Artificial color and fillers prohibited.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any catsup which contains artificial coloring matter, added starch or other substance used as filler.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 164.

CIDER. ^a

SEC. 18. *Standard.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale cider not produced wholly from unfermented juice of the apple.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 164.

DAIRY PRODUCTS. ^c

SEC. 13. *Butter standard.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale as butter any article that is not produced from whole milk or cream or that contains any preservative other than common salt, or that contains less than 82.5 per cent of butterfat. Provided, that nothing in this act shall prohibit the use of harmless additional coloring matter in butter.

SEC. 16. *Cream standard.* It shall be unlawful for any person to sell or offer for sale cream which contains less than eighteen per cent of butterfat, or to which any preservative has been added.

SEC. 17. *Cheese standard.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any cheese which contains less than fifty per cent of butterfat. Provided, that cheese containing less than fifty per cent of butterfat may be sold if plainly and conspicuously labeled or stenciled "Skim Cheese" or "Imitation Cheese."

SEC. 28. *Whole milk standard.* It shall be unlawful for any person to sell, or offer for sale, for consumption, as whole milk, or sell, supply, or bring as whole milk to be manufactured into any article of butter or cheese, to any creamery or cheese factory, any milk diluted with water or containing more than eighty-seven per centum of water fluids, or less than thirteen per centum of milk solids, of which not less than three per centum shall be butterfat, or any impure, unclean, unhealthy, adulterated or unwholesome milk, or cream from the same, or milk from cows within fifteen

^aSee General Food Laws, p. 587, secs. 34, 43, for penalty.

^bSo in Statutes.

^cSee also General Food Laws, p. 585.

days before or five days after parturition, or milk to which any preservative has been added.

SEC. 29. *Care of cows.* It shall be unlawful for any person to keep cows in a crowded or unhealthy condition for the production of milk for market or for sale or exchange, or to be manufactured into articles of butter or cheese, or feed cows on food that produces impure, unhealthy, diseased or unwholesome milk, nor sell any such milk to any person or persons, or deliver milk from diseased cows to any creamery or cheese factory. No person shall manufacture from impure, unhealthy, diseased or unwholesome milk, or cream from the same, any article of butter or cheese.

SEC. 30. *Oleomargarine standard.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale, deliver, or have in his possession, with intent to sell or deliver, any oleomargarine which contains methyl orange, butter yellow, annato, analine dye, or any other coloring matter. The word oleomargarine, as used in this act, shall be construed to mean any substance not pure butter of not less than eighty per cent of butterfats, which substance is made as a substitute for, in imitation of, or to be used as butter.

SEC. 35. *Licenses for creameries and cheese factories.* Every creamery and cheese factory proprietor or corporation shall, on the first day of April, each year, or within thirty days thereafter, be licensed by the food and dairy commissioner, to manufacture from pure milk or cream, butter or cheese, or both, and shall pay to said commissioner the sum of one dollar for each and every factory owned and operated by said individual or corporation. No license shall be sold or transferred. Each license shall record the name of the owner or corporation, place of business, the location of the factory or skimming station, and the number of the same. Each licensee shall, before engaging in the manufacture of butter or cheese, cause the number of the license to be placed conspicuously on the wall on the inside of said factory or skimming station, and he or they shall report to the said commissioner, on blanks furnished by said commissioner, the names and postoffice address of all the officers of said factory, including the butter or cheese maker. Any change in the management, or buttermaker or cheesemaker, during the term of said license shall be properly reported to the said commissioner.

SEC. 36. *Monthly report from creameries, etc.* Every manager, secretary, superintendent, or person in charge of any creamery, cheese factory, or renovating or process butter factory in this state, shall make a monthly report to the food and dairy commissioner, not later than the last day of each month, of the product of the factory and such other information as the commissioner may require, for the preceding month, ending on the last day thereof. Blanks upon which to make such reports shall be procured from the said commissioner.

SEC. 37. *Cheese brands.* Every person who shall, at any cheese factory in this state, manufacture cheese, and shall fail, at the factory where it was made, to distinctly and durably stamp on the bandage of every such cheese and on the box containing the same, in full-faced capital letters, the location of the factory and the grade of the cheese, "South Dakota Full Cream Cheese," "Skim" or "Imitation," as herein defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured of the food and dairy commissioner. The food and dairy commissioner is hereby authorized and directed to issue to each cheese factory, upon proper application therefor, uniform stencils or brands to be used as provided in this section.

SEC. 38. *Furnishing of stencils; record.* The food and dairy commissioner shall issue at cost stencils and brands provided for in section 37 of this article [act], upon proper application therefor, and shall keep a book in his office, which book shall contain a record of the number of each brand issued and the names and locations of the factories receiving the same, and no factory other than the one to which such brand or stencil is issued shall use the same.

SEC. 39. *Qualifications of butter and cheese makers.* Any person desiring to engage in the occupation of buttermaker or cheesemaker, in any creamery or cheese factory in the state, shall make application to and procure from the food and dairy commissioner a license to engage in such occupation. Such license shall be issued upon satisfactory examination as to the qualifications of the applicant. If the applicant furnishes to the commissioner satisfactory recommendations from the manager or board of directors of the factory in which he may have been employed, of his ability as a buttermaker or cheesemaker, such recommendation may be accepted in lieu of an examination.

SEC. 40. *Manipulation of Babcock test.* It shall be a misdemeanor for the owner, manager, agent or any employe of any creamery or cheese factory to manipulate or under-read the Babcock test or any other contrivance used for determining the quality or value of milk.

SEC. 41. *Imported products unlabeled.* Any adulterated foods, or imitation butter or cheese shipped into this state, not labeled as provided by law in this state, may be seized by the food and dairy commissioner and confiscated by him.

SEC. 42. *Penalty.* Any person violating any of the provisions of sections 35, 36, 37, 39 or 40 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

Approved February 24, 1905. Laws of 1905, ch. 114, pp. 164-168.

FLAVORING EXTRACTS.^a

SEC. 19. *Artificial flavorings must be so labeled.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale as extracts, flavorings which are not made from the natural fruit, unless same are labeled "Artificial." Provided, that the word artificial must immediately precede the name of the flavoring and in type the same size and style. Such flavorings shall be free from artificial coloring matter.

SEC. 21. *Standard lemon extract; labels.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any extract of lemon, essence of lemon, or spirits of lemon, containing less than five per cent of pure oil of lemon dissolved in ethyl alcohol, or to which has been added any artificial coloring matter, other than that derived from lemon peel. Any preparation containing less than five per cent of lemon oil dissolved in ethyl alcohol may be sold if labeled "Imitation Lemon Extract." Provided, that the word "imitation" is in no smaller type than the name of the article, and said preparation shall contain no added coloring matter.

SEC. 22. *Standard vanilla extract; labels.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale extract of vanilla, essence of vanilla, or spirits of vanilla, not made wholly from the extractive matter of vanilla beans dissolved in ethyl alcohol, containing not less than forty per cent alcohol by volume and free from all foreign coloring matter. Imitation vanilla flavoring containing any substance or substances other than the extractive matter derived from vanilla beans, must be labeled with the name of each ingredient contained therein, in legible type of equal size and style, and must be free from all foreign coloring matter.

Approved February 24, 1905. Laws of 1905, ch. 114, pp. 164-165.

HONEY.^a

SEC. 20. *Standard.* It shall be unlawful for any person to sell, offer or expose for sale any honey which has not been wholly made by bees from the natural secretions of flowers and plants.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 164.

^aSee General Food Laws, p. 587, secs. 34, 43, for penalty.

LARD.^a

SEC. 23. *Standard.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale as lard any product not wholly and legitimately and exclusively the rendered fresh fat from slaughtered healthy hogs.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 165.

MEAT.

2944. *Butcher's record.* Any person now engaged, or who may hereafter engage, in the business of a butcher in this state, shall keep a record of all branded beef animals he may slaughter, giving age, sex, marks and brands, of whom purchased and date of said purchase, which record shall at all times be open for public inspection at his place of business.

2945. *Brands on hides—to be exhibited.* It shall be unlawful for any person or persons who occasionally slaughter cattle for beef to offer for sale said beef without exhibiting the hide or hides of such beef at the time and place said beef is offered for sale. And it is provided further that the brand or brands on the hide so exhibited must not have been changed, mutilated or destroyed.

2946. *Cattle slaughtered for home consumption.* All persons other than butchers, who occasionally slaughter cattle for beef, either for home consumption or other purposes, shall keep the hide or hides of such branded animals so slaughtered for a period of not less than ten days, subject to inspection by any person or persons.

2947. *Penalty.* Any person who shall violate any of the provisions of the three preceding sections shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Revised Codes, 1903; Political Code, p. 535.

SEC. 25. *Slaughter of calves.* It shall be unlawful for any person to slaughter for the purpose of sale as food, expose for sale, or sell, or bring or cause to be brought into any city, town, or village, within the state, for food, any calf or carcass of the same, or part thereof, unless it is in good healthy condition, and was at least four weeks of age at the time of killing.

SEC. 26. *Slaughter of other animals.* It shall be unlawful for any person to slaughter for the purpose of sale as food, or expose for sale, or sell, or bring or cause to be brought into any town or city, town or village, within the state, for food, any animal or carcass of the same, or part thereof, unless the same was in good healthy condition at the time of killing.

SEC. 27. *Preserved meats.* It shall be unlawful for any person to sell, offer or expose for sale any pickled, prepared, preserved or canned meats, in the preparation of which any tainted, diseased or unwholesome meat has been used, or to which has been added any injurious or prohibited preservative or any artificial coloring matter.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 165.

SEC. 1. *Municipal inspection of slaughter houses.* Any city or village in this state may appoint an inspector or inspectors of animals and meat supplies intended for human consumption therein, license the sale thereof, provide for the regulation of slaughter houses wherein such animals intended for use as human food in such city or village are slaughtered, and the markets and places where meat intended for con-

^a See General Food Laws, p. 587, secs. 34, 43, for penalty.

sumption as human food is kept or offered for sale within such city or village, the vehicle in which such meat is transported, or from which same is sold, offered for sale, or disposed of for said purpose.

SEC. 2. *Licenses.* No person or persons shall vend or offer for sale in any city or village having an inspector of meats, as provided by this act, any meat intended for human consumption, whether slaughtered within such city or village or elsewhere, unless licensed to do so by the city council or the board of trustees thereof. Any person or persons desiring so to do may apply to the auditor of such city or village clerk for a license; but the auditor or clerk shall not issue same until the applicant thereof presents a statement in writing, signed by him, which shall fully state: (a) The name and residence of said applicant; (b) the exact location or place from which said applicant obtains his meats, whether slaughtered by himself in whole or in part; (c) the manner in which said applicant intends to dispose of his meats when licensed; (d) a written consent, granting permission to the meat inspector, the health officer or his representative, or any member of the board of health, the mayor or any alderman of said city, or the president and trustees of said village, free and open access to the slaughter house in which he proposes to slaughter, or vehicle from which his meat is sold, for the purpose of making inspection of said premises, market or vehicle. Blanks for such applications shall be furnished by the clerk.

Each applicant for a license shall also stipulate in writing that he will faithfully conform to, and cause the slaughter house, market or vehicle, owned, leased or occupied by him, to comply in all respects with the requirements of the ordinance of said city or village, enacted under the provisions of this act, and pay such license fee as shall be prescribed therein. The city auditor or village clerk shall not issue any license until the meat inspector shall have examined into the sanitary condition and cleanliness of the slaughter house to be used by the applicant, or the market where his meat is to be sold or offered for sale, and shall certify that same comply with the requirements of the ordinance in force therein. The mayor of said city, or president of said village, may at any time revoke and suspend any license issued pursuant thereto, if upon investigation and report of the meat inspector, and after hearing the holder of such license summarily, he shall find the condition of the slaughter house where meat is slaughtered, or the market or vehicle, or the meat offered for sale, to be in violation of the provisions of said ordinance, filthy or detrimental to the public health; which revocation shall continue until such person shall have fully complied with the requirements of this act and the provisions of said ordinance. This section shall apply to slaughter houses, whether situated within or without the city limits.

Provided, however, the provisions of this act shall not apply, to any farmer or stockman, or owner of fowls, or who slaughters for his own use or for market his own live stock and fowls, of any kind or description, when he is not engaged generally in the business of slaughtering.

SEC. 3. *Authority of meat inspector.* Each city or village having a meat inspector under the provisions of this act shall establish by ordinance such requirements, in conformity herewith, as are necessary for the purpose of excluding from within its limits, for sale or use as human food, any diseased or unwholesome meat which has been prepared, dressed or stored in an unsanitary or filthy place; and each city or village shall authorize and empower its inspector or inspectors to enforce such tests and requirements, and shall provide and enforce suitable penalties for the violation of the provisions of such ordinance.

SEC. 4. *Appointment of inspector and deputies; reports.* Any city or village, having enacted an ordinance under the provisions of this act, shall immediately appoint a person qualified by education and experience to properly perform the duties of the office of inspector, who shall hold his office for one year and until his successor is appointed and qualified, and such deputies with like qualifications as may be neces-

sary, who shall hold office for a like term; and such inspector and all deputy inspectors shall take an oath of office to faithfully and impartially discharge all the duties thereof. The inspector shall promptly report to the city or village attorney, or to the proper prosecuting officer, for prosecution of every violation of the ordinance in force in such city or village under the provisions of this act, and shall also report to the board of health of said city or village, at least monthly, all inspections made by him, and all violations of said ordinance.

SEC. 5. *Sanitation of slaughter houses.* Any city or village having enacted an ordinance under the provisions of this act shall specify the following requirements for all slaughter houses within its limits: (a) No slaughtering shall be done in barns, sheds or other buildings not designed and not suitable for slaughtering animals, and for the handling, dressing and cooling of meats. (b) All slaughter houses shall have an abundant supply of water, from a well or other source which is not contaminated from the slaughter house or surrounding pens or enclosures or any part of the premises. (c) Cooling and store rooms for meat shall be properly ventilated. (d) All offal and refuse shall be removed from the slaughter house on the day of slaughtering, and disposed of in a decent and sanitary manner. (e) All animals kept in yards attached to slaughter houses shall be treated in a humane manner, and if kept there over twelve hours shall be fed and watered. (f) All pens and enclosures connected with any slaughter house shall be kept in a proper sanitary condition.

SEC. 6. *Meat brought from without city limits.* Any city or village having a meat inspector under the provisions of this act may refuse to permit to be brought within its limits, to be sold or offered for sale therein, any meat from any slaughter house situated outside its limits whose owner, lessee or occupant has not conformed to the requirements specified in section five of this act, and the provisions of the ordinance enacted by said city or village, pursuant to this act and in force therein.

SEC. 7. *Appropriation.* Any city or village having an inspector under the provisions of this act shall appropriate out of its general fund such sums of money as shall be deemed proper for the salary of the inspector and his deputies, and in addition thereto may apply the license fee and any fees accruing from the inspection of animals and meats, to be paid thereunder, for that purpose, or require said fees to be covered into the city or village treasury.

SEC. 8. *Duties of deputy inspectors.* All deputy inspectors shall have the same powers and perform all the duties devolving upon the inspector, under his direction and superintendence, except that they shall make all reports required by this act to the inspector, by whom same shall be reported, as hereinbefore provided.

SEC. 9. *Federal inspection.* All meat which has been inspected by federal authority shall not be subject to local inspection, except as to market, vehicle or place at or from which it is to be sold or offered for sale, and as to changes or decomposition.

SEC. 10. *Possession of meat evidence that it is meant for food.* In all prosecutions for violation of any ordinance enacted pursuant to this act, the fact that any meat is found in any slaughter house, market or vehicle within such city or village shall be presumptive evidence that the same was intended for use as human food.

SEC. 11. *Location of slaughter houses.* No slaughter house shall be established or maintained nearer to the limits of any city or village than is prescribed by law in this state.

Approved March 7, 1905. Session Laws, 1905, ch. 135, pp. 226-229.

SPICES.^a

SEC. 31. *Adulteration defined.* It shall be unlawful for any person, by himself, his servant or agent, or as the servant or agent of any other person or corporation, to

^a See General Food Laws, p. 587, secs. 34, 43, for penalty.

manufacture, sell, offer or expose for sale to the residents of this state any spices and condiments, either ground or unground, which are adulterated with any foreign substance or substances within the meaning of this article. The term "spices and condiments," as used herein, shall embrace all substances known and recognized in commerce as spices and used as condiments, whether the same be in their natural state or in the form which would result from the grinding, milling or mixing, or the compounding of the natural product.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 166.

SYRUPS.^a

SEC. 24. *Standards.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale as maple sugar or maple syrup any substance not the legitimate and exclusive product of the sap of the maple tree; nor sorghum that is not produced wholly from sorghum cane; nor cane syrup or molasses not wholly produced from sugar cane.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 165.

VINEGAR.^a

SEC. 32. *Standards; cider and malt vinegar.* It shall be unlawful for any person to manufacture, sell, or offer for sale, any vinegar that does not contain at least four and one-half per cent, by weight, of absolute acetic acid, or which contains any preparation of copper, lead, sulphuric acid or other injurious ingredients, or any artificial coloring matter; and in the case of apple or cider vinegar it shall contain not less than two per cent by weight of cider vinegar solids, and be the legitimate product of apple juice. And in the case of malt vinegar it shall contain at least two per cent of natural malt vinegar solids.

Approved February 24, 1905. Laws of 1905, ch. 114, p. 166.

RULINGS OF THE COMMISSIONER.

RULINGS ON THE NEW PURE FOOD LAW FOR THE STATE OF SOUTH DAKOTA, TO GO INTO EFFECT JULY 1, 1905.

June 1st, 1905.

To Retail Dealers:

In order that the provisions of the Food Law, which goes into effect July 1, 1905, may be enforced with as little hardship as possible, it is hereby ruled that all goods in the hands of the retailers on July 1, 1905, which comply with the present Food Law but which do not meet the requirements of the incoming law, may be sold until October 1, 1905. But all goods purchased or shipped into the state on and after July 1, 1905, must conform strictly to the requirements of the law then in force, both as to quality and labelling.

E. W. SMAIL,

Food and Dairy Commissioner.

1. The term "FOOD" includes all articles used for food, drink, flavoring, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound.

2. All foods and beverages must be free from chemical preservatives, formaldehyde, borax, boracic acid, benzoic acid, sulphites or sulphurous acid, salicylic acid, abristol, beta-naphthol, fluorine compounds, saccharine or coal tar dyes.

3. All foods and beverages must be labeled true to name in every respect.

4. Every box, can, carton, or other container must bear the name of the manufacturer and the location of the factory. It must also show the true grade, class or character of the goods.

^a See General Food Laws, p. 587, secs. 34, 43, for penalty.

5. Any article of food shall be deemed adulterated—if any substance has been mixed with it lowering or injuriously affecting its quality, strength or purity; if any substance has been substituted wholly or in part for it; if any essential ingredient has been wholly or in part abstracted from it; if it contain any added poisonous or other ingredient detrimental to health; if it consists in whole or in part of a diseased, filthy or decomposed animal or vegetable substance; if it is colored, powdered or treated in any manner whereby damage or inferiority is concealed; if it is an imitation of, or sold under the name of any other substance or article.

6. The sale of any adulterated article of food is prohibited unless the package bears a label with the word “adulterated” preceding the name of the article, together with the name and address of the manufacturer. The provisions of this law are extended to all persons who manufacture for sale, sell, or cause to be sold any article of adulterated food whatsoever. Foods shipped into this state not labeled as required under the provisions of law are subject to confiscation.

Baking powder.—Every can, box or package must be labeled with the name of the manufacturer, his address, the name of the baking powder and also the words: **“This baking powder is composed of the following ingredients and none other,”** immediately followed by the **true and common name** of each and all the ingredients contained in such powder. All this must appear on a light colored label in type no smaller than brevier heavy gothic **“CAPS.”** All baking powder must be true to label and contain no injurious substances.

Butter.—Must be made from pure milk and cream and contain no preservative other than salt and no substance injurious to health. May be colored with harmless vegetable butter color. Process or reworked butter must not be labeled or sold for dairy or creamery butter.

Canned goods.—Must bear the name and address of the packer and contain no poisonous ingredient, preservative, or injurious coloring matter. Copper or iron greening of vegetables is prohibited.

Candies.—Must contain no coal tar dyes, mineral substances, poisonous coloring or flavor, or other ingredients injurious to health.

Catsups.—Must contain no injurious ingredients, coloring matter or preservatives. Benzoate of soda, 1 to 1,200 is allowed for the present. (The right to withdraw this concession is reserved.) Starch or other substances must not be used as a filler.

Cheese, South Dakota.—Must be made from pure milk and cream. Each cheese and each box must be stencilled “South Dakota Full Cream Cheese” or “Skim” or “Imitation” as the case may be, and must be true to name. Full cream cheese must contain not less than 50 per cent butter fat in the water free cheese in comparison with total solids. If less than 50 per cent in the water free cheese it must be marked “skim” and if containing any fat or oleaginous substance or foreign fat or the fat from any stale, rancid or impure butter, shall be branded “imitation.” Cheese factories must annually procure license from the Food and Dairy Commissioner.

Cheese.—Made from pure milk and cream, and containing not less 50 per cent butter fat in the water free cheese in comparison with total solids, may be sold as “Full Cream Cheese.” Cheese containing less than 50 per cent of butter fat in the water free cheese may be sold if plainly and conspicuously labeled or stencilled “Skim Cheese” or “Imitation Cheese.”

Cider.—Apple cider is the only product which can be sold under the one word name “cider.” It must be produced wholly from unfermented juice of the apple and must contain no preservatives forbidden by law. At present, benzoate of soda, 1 to 2,000 will be allowed. (The right to withdraw this privilege is reserved.)

Coffee.—If sold as such must be true to name and not coated to conceal inferiority. Blended coffees must give the names and proportions of the coffees employed. Coffee may be mixed with chicory or other substance not injurious to health if labeled “Coffee Compound,” with the name and address of the manufacturer. Coffee sub-

stitutes composed of cereals in combination, labeled or sold as a substitute for coffee, may be sold under a coined name, if the name is not any one of the ingredients contained therein.

Cream.—Must not contain less than 18 per cent of butter fat. The use of preservatives is forbidden.

Cream of tartar.—Must be true to name and unadulterated.

Flavoring extracts.—Must be true to label. Bottles, packages and containers must bear the name of the manufacturer and his address, and the name of the article.

Extract of lemon.—Must contain not less than 5 per cent of lemon oil, dissolved in ethyl alcohol and can be colored only with lemon peel. Any preparation containing less than 5 per cent of lemon oil must be labeled "Imitation Lemon Extract," but the word "Imitation" must be in no smaller type than the name of the article, and this preparation must be colorless.

Extract of vanilla must be made wholly from the extractive matter of the vanilla bean dissolved in ethyl alcohol, containing not less than 40 per cent of alcohol by volume, and must be free from all foreign coloring matter. A single extract of vanilla should carry at least 0.05 per cent vanillin. Imitation vanilla flavoring must be labeled with the name of each ingredient, in legible type of equal size and style, and must be free from all foreign coloring matter.

Orange extract must contain at least 5 per cent orange oil.

Artificial extracts.—Flavorings not made from the natural fruit must be labeled "Artificial" with the word "Artificial" immediately preceding the name of the article and in the same size and style of type. Must be free from artificial coloring matter.

Farinaceous goods.—Must be true to name, pure and unadulterated. If mixed or compounded must be sold under a coin name.

Honey.—The only product which can be sold under the one word name "Honey" must be wholly made by bees from the natural secretions of flowers and plants. All other honeys must be sold as provided in "Mixtures and Compounds."

Jellies, jams and preserves.—This embraces all foods and preparation of foods known under the above names, whether prepared from animal or vegetable products. They must be pure and true to label, otherwise they must be labeled "Imitation," together with the name and address of the manufacturer, and the names of the constituent parts in as conspicuous type as the trade name. No preservatives or artificial coloring matter is allowed.

Lard.—Must be wholly, legitimately and exclusively the rendered fresh fat from slaughtered healthy hogs. Adulterated lard, and lard substitutes may be sold as provided in case of "Mixtures and Compounds," or under a trade or coin name. No preservatives can be used in any kind of lard or lard substitute.

Meat.—Must be procured from healthy animals and be in a wholesome condition. Must not be tainted or otherwise unwholesome and must be free from preservatives of any kind. The sale of meat procured from calves less than four weeks old is prohibited.

Milk.—Must be pure and unadulterated. Must not be taken from unhealthy cows or contain preservatives of any nature. This applies to milk furnished to creameries or cheese factories, by milk peddlers, or served to guests at any hotel, restaurant or boarding house. Standard milk must contain not less than 13 per cent of true milk solids of which 3 per cent must be butter fat; nor more 87 per cent of water fluids.

Maple sugar and syrup.—Must be the legitimate and exclusive product of the sap of the maple tree. Blends or mixture may be sold under the provisions of section 9 of the food law as ruled under "Mixtures and Compounds."

Oleomargarine.—May be sold under its true name if uncolored and containing no preservatives or injurious substance. The term "Oleomargarine" is construed to mean any substance, not pure butter, containing 80 per cent or more of butter fat, used in the place of butter.

Pickled, prepared, preserved or canned meats.—Must be free from prohibited preservatives and artificial coloring matter.

Prepared mustard.—May be sold under this name if it does not contain any foreign, injurious or other substance to cheapen its value.

Sausages.—Must be free from prohibited preservatives and artificial coloring matter.

Spices and condiments.—Must be pure and wholly unadulterated with any foreign substance. Other than pure spices must be sold as provided in "Mixtures and Compounds."

Syrups.—Sorghum syrup may be produced wholly from sorghum cane. Cane syrup or molasses must be wholly produced from sugar cane. Blends or mixtures must be sold under the provisions of section 9 of the Food Law as ruled under "Mixtures and Compounds."

Vinegar.—Must be pure, of an acidity equivalent to the presence of not less than $4\frac{1}{2}$ per cent by weight of absolute acetic acid and containing no preparation of lead, copper, sulphuric acid or other injurious ingredient, or any artificial coloring matter. Must be true to name and in the case of apple cider vinegar must be the legitimate product of pure apple juice, and contain not less than two per cent of cider vinegar solids. The barrel must be stencilled or labelled with the name and address of the vinegar manufacturer, the kind of vinegar contained in the barrel and the acid strength of the vinegar.

Mixtures and compounds.—May be sold when properly labelled. Any article of food coming under this definition must contain no poisonous or deleterious ingredients; must be plainly labelled or branded to indicate that it is a mixture, compound, combination, imitation or blend and show the true character and constituents, together with the proportions of said constituents, all of which must appear on the same label and in as conspicuous type as the trade name of the article. The name and address of the manufacturer must also be given. The use of preservatives and artificial coloring matter is prohibited.

RULINGS ON INTOXICATING LIQUORS, TO GO INTO EFFECT JULY 1, 1905, IN ACCORDANCE WITH CHAPTER 121, SESSION LAWS OF 1905, STATE OF SOUTH DAKOTA.

1. No coal tar colors are permitted in any malted, fermented or distilled liquors used as a beverage or for medicinal purposes.

2. No malted, fermented or distilled liquor shall contain any poisonous alkaloidal drugs, any poisonous metallic salts, any methyl alcohol or any antiseptic forbidden by Section 33, Chapter 114, Session Laws of 1905.

3. No whiskey under 90 per cent proof shall be allowed, and all bottled whiskeys shall declare their present proofage on their labels.

4. The minimum percentage proof for distilled liquors other than whiskey shall be as follows: Brandy, 90 per cent; rum, 90 per cent; gin, 80 per cent.

5. The minimum percentage of alcohol for wines shall be 10 per cent. Traces of sulphurous acid employed in disinfecting the wine barrels are permissible. Bottled wines must declare on the label the name and address of the producer. Wines in kegs and barrels must carry the name and address of the producer on the container.

6. Excessive amounts of the higher alcohols, etc., commonly called "fusel oil," in distilled liquors is prohibited. The right to fix the maximum amount permissible is reserved.

7. All distilled liquors sold in bottles must carry on the label the true name and address of the manufacturer and the bottler together with a truthful statement of the exact quantity of liquor which the bottle contains. Also all distilled liquors in larger packages such as kegs, barrels, etc., must be plainly stamped or stencilled with the name and address of manufacturer.

TENNESSEE.

The State board of health is charged with the enforcement of the food laws of the State, and authorized to establish a chemical and biological laboratory and employ such expert assistants as may be necessary. Owing to the lack of appropriation for that purpose, however, a rigid enforcement of the law is not possible.

GENERAL FOOD LAWS.

6743. *Unwholesome provisions; adulterated food and medicine.* It shall be a misdemeanor:

(1) *To sell unwholesome provisions.* For any person knowingly to sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer.

(2) *To adulterate food or drink.* For any person fraudulently to adulterate, for the purpose of sale, any substance intended for food, or any wine, spirituous or malt liquors, or other liquor intended for drinking.

(3) *Or any drug or medicine.* For any person to adulterate, for the purpose of sale, any drug or medicine, in such manner as to lessen the efficacy or change the operation of such drug or medicine, or to make them injurious to health, or sell them knowing that they are thus adulterated; and such adulterated drugs and medicines shall be forfeited and destroyed.

(4) *Tainted meats, sour bread, or drugged wines, etc.* For any person to sell, offer, or expose for sale, or suffer or permit his servants or other person for him, to sell or expose for sale any tainted, putrid, or unwholesome fish or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any bread made from sour or unwholesome flour, or any drugged or manufactured wines, or adulterated spirituous liquors; and, in addition, he shall forfeit ten dollars to any person who will sue therefor, before a justice of the peace, for a violation of this subsection.

Code of Tennessee, 1896, ch. 7, p. 1645.

SEC. 1. *Penalty for handling adulterated or misbranded food products.* The manufacture, importation, or sale, or offering for sale of any article of food or drink, which is adulterated or misbranded, within the meaning of this act, is hereby prohibited in Tennessee, and any company or individual who shall knowingly receive from without the state, or who, having so received, shall deliver for pay or otherwise, or offer to deliver or sell or trade any such article so adulterated or misbranded, within the meaning of this act, shall be guilty of a misdemeanor, and for such offense shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for each subsequent offense, not less than two hundred dollars, or be imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

SEC. 2. *Chemical and biological laboratory.* The state board of health is hereby authorized and directed to establish, under such rules and regulations as it may think best, a properly organized and fully equipped chemical and biological laboratory, in which, with such expert assistance as they may elect, shall be made such

examinations of food and drink, offered for sale in Tennessee, as may be collected, from time to time, under such rules and regulations as said board may prescribe, and the results of such analyses or examinations, they shall publish in bulletins for the information of the people. But the names of the manufacturers or venders of such foods or drink analyzed shall in no case be published, as hereinbefore indicated until after conviction in the courts of violation of this act. If it shall appear from such examination that any of the provisions of this act have been violated, the state board of health shall at once cause a report of the fact to be made to the district attorney for the district in which such violation occurred, with a copy of the results of the analysis, duly authenticated by the expert making the examination under oath.—*As amended April 15, 1905, Acts of 1905, ch. 508, pp. 1121-1122.*

SEC. 3. *Duty of district attorneys to prosecute.* It shall be the duty of every district attorney, to whom said state board of health shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided, unless upon inquiry and examination, said district attorney shall decide that such proceedings cannot probably be sustained; in which case said attorney shall so report back to said state board of health.

SEC. 4. *Definitions.* The terms "food and drink," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound. The term "misbranded," as used herein, shall include all articles of food or drink (or which enter into the composition of such articles of food or drink) the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall be false in any particular, or any statement purporting to name the substance of which such article is made, which statement shall not fully give the names of all the substances contained in such article in any measurable quantities.

SEC. 5. *Adulteration defined.* For the purposes of this act an article shall be deemed adulterated, in case of food or drink:

1. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product, when offered for sale, shall be calculated and shall tend to deceive the purchaser.
2. If any inferior substance or substances has or have been substituted, wholly or in part, for the article so that the product, when sold, shall tend to deceive the purchaser.
3. If any valuable constituent of the article has been wholly or in part abstracted so that the product, when sold, shall tend to deceive the purchaser.
4. If it be an imitation of and sold under the specific name of another article.
5. If it be mixed, colored, powdered, or stained in a manner, whereby danger is concealed so that such product, when sold, shall tend to deceive the purchaser.
6. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.
7. If it consist of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

SEC. 5a. *Exceptions.* An article of food or drink, which does not contain any added poisonous ingredient, shall not be deemed to be adulterated in the following cases:

1. In the case of mixtures or compounds, which may be now, or from time to time hereafter known as articles of food or drink under their own distinctive names, and not included in definition fourth of this section [section 5].
2. In the case of articles labeled, branded, or tagged so as plainly to indicate that they are mixtures, compounds, combinations or blends.^a

^aSo in laws; read "blends."

3. When any matter or ingredient has been added to the food or drink because the same is required for the production or preparation thereof, or an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drink, or conceal the inferior quality thereof; provided, that the same shall be labeled, branded, or tagged, as prescribed by the state board of health, so as to show them to be compounds and the exact character thereof.

4. Where the food or drink is unavoidably mixed with some extraneous matter in the process of collection and preparation.

SEC. 6. *State board of health may demand samples; analyses.* Every person who manufactures or offers for sale, or delivers to a purchaser, any article of food or drink, shall furnish upon demand a sample of such article of food or drink to any person duly authorized by the state board of health to receive the same, and who shall apply to such manufacturer, or vender, or person delivering to any purchaser such article of food or drink, for such sample, for such use, in sufficient quantity for the analysis of any such article or articles in his or her possession. And in the presence of such dealer and an authorized agent of the said state board of health, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the state board of health. One part shall be left with the dealer, one delivered to the state board of health and one deposited with the district attorney for the district in which the sample is taken. Said manufacturer or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the state board of health, the sample in the hands of the district attorney shall be analyzed by a third chemist or expert, who shall be chosen and agreed upon by the said dealer and the state board of health, and the whole evidence shall be laid before the court.

SEC. 7. *Penalties.* Whosoever refuses to comply, upon demand, with the requirements of section 6 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than ten dollars, or imprisonment not exceeding three months nor less than thirty days, or both. And any person found guilty of the manufacturing or knowingly offering for sale, or selling an adulterated, impure, or misbranded article of food or drink in violation of the provisions of this act, shall be adjudged to pay, in addition to the penalties heretofore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

Passed March 19, 1897. Acts of 1897, ch. 45, p. 177; Supplement to Code 1897-1903, pp. 818-822.

ALCOHOLIC BEVERAGES.

994. *Seller of liquors to take oath and give bond.* It shall not be lawful for any person or persons to sell, or offer to sell, any spirituous or alcoholic liquors within this state, until he, she, or they, shall first appear before the county court clerk of the county where such liquors are to be sold, or offered for sale, and take and subscribe to an oath not to mix or adulterate with any substance whatever, the liquors offered for sale, and give bond in the sum of five hundred dollars, with good and sufficient security, for the payment of all costs arising from prosecution for violation of provisions herein.

Code of Tennessee, 1896, p. 339.

6743. [It shall be a misdemeanor:]

(5) *Selling liquors without oath and bond.* For any person to sell any spirituous or alcoholic liquors without complying with section 994, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars.

6744. It shall be a felony:

(1) *To adulterate liquors.* To adulterate spirituous or vinous liquors by the use of strychnine or poisonous liquids or ingredients.

(2) *To sell adulterated liquors.* To sell by wholesale or retail any spirituous or vinous liquors, knowing the same to be adulterated by or with strychnine or poisonous liquids or ingredients; and any person convicted thereof shall be imprisoned in the penitentiary not less than one nor more than five years; and the grand jury may have power to send for persons or papers in cases where they may be of the opinion that any person or persons have been guilty of violating any of the provisions of this article.

Code of Tennessee, 1896. ch. 7, p. 1645.

CANDY.

6743. [It shall be a misdemeanor:]

(6) To manufacture for sale or knowingly sell, or knowingly offer for sale, any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; and, upon conviction thereof, the manufacturer or seller shall be fined not exceeding five hundred dollars, and the candy so adulterated shall be confiscated and destroyed under the direction of the court before whom the offender is tried.

Code of Tennessee, 1896, ch. 7, p. 1645.

DAIRY PRODUCTS.

3466. *Stamping of adulterated butter and cheese.* Whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, which substance is not wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll, or parcel of such substance, and each vessel containing one or more packages of such substance, have distinctly and durably printed, stamped, or marked thereon the true and appropriate name of such substance, in ordinary bold-faced capital letters, not less than five lines pica, shall be punished as provided in section 3468.

3467. *Dealers must label imitation products.* Whoever shall sell any such substance to consumers, or cause the same to be done, without delivering with each package, roll, or parcel so sold, a label on which is plainly and legibly printed, in Roman letters, the true and appropriate name of such substance, shall be punished as provided in section 3468.

3468. *Penalty.* Whoever knowingly violates either of the foregoing sections of this chapter shall be fined any sum not less than ten nor more than three hundred dollars, or imprisoned in the county jail not more than ninety nor less than ten days, or both, at the discretion of the court; but nothing contained herein shall be construed to prevent the use of skim milk, salt, or rennet, or harmless coloring matter in the manufacture of butter and cheese.—*Laws of 1869, ch. 169.*

3469. *Labels described.* Whoever, in person or by agent, sells, exposes for sale, or has in his possession with interest (intent) to sell, any article, substance, or compound made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing fats, oils, or grease not produced from milk or cream, shall have the words "Imitation Butter," or, if such substitute is the compound known as oleomargarine, then the word "Oleomargarine," or, if it is known as butterine, then the word "Butterine," or if it be known by any other word, name, or term as a substitute for butter stamped, labeled, or marked in a straight line, in printed letters of plain, uncondensed Roman type not

less than one-half inch in length and one-quarter inch in width, so that said words, name, or term cannot be easily defaced, upon the top, side, and bottom of every tub, firkin, box, or package containing any of said article, substance, or compound. The stamps or label or mark shall contain no other words.

3470. *Labels to be attached when taken from original packages.* Whoever, in person or by agent, exposes or offers for sale any of the said article, substance, or compound not in the original package, shall attach to said article, substance, or compound, in a conspicuous place, a label bearing the words, "Imitation Butter," "Oleomargarine," "Butterine," or other name, word, or term, as the article may be, in printed letters of plain Roman type, as provided for in section 3469.

3471. *Label with package in retail sales.* In cases of retail sales of any said article, substance, or compound not in the original package, the seller shall, in person or by agent, attach to each package so sold, and deliver therewith to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of the package, the words provided for in the two preceding sections, and no other, in printed letters, in a straight line, of plain Roman type, such as provided for in said sections.

3472. *Imitations of yellow butter.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product, or compound, made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly, and at the time of manufacture, from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk, or cream from the same; but nothing in this chapter shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or imitation butter, in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

3473. *Penalty.* Whosoever shall fail or refuse to comply with the provisions of this chapter shall be guilty of a misdemeanor and for the first offense, be fined fifty dollars, and each subsequent offense shall be fined one hundred dollars. The grand juries of this state are given inquisitorial power as to this offense, and the circuit and criminal judges of this state shall give this offense in charge specially to the grand juries at each term of their court.

Code of Tennessee, 1896, ch. 15, p. 792, as amended 1899, ch. 296, p. 716.

FLOUR.

3375. *Regulations for manufacturing.* All wheat flour or kiln-dried meal shall be made by the miller or manufacturer of due fineness, shall be well bolted, not mixed with other or coarser flour or meal, and in all respects merchantable.

3376. *Brands.* Every miller or bolter of flour, made or intended for exportation, shall provide and use distinguishable brands or marks; and before the flour is removed, shall impress on the head of each barrel the name of the miller or bolter by whom it was manufactured, and the quality of flour contained in each particular barrel, by branding or marking thereon, at full length, the words "family," "superfine," "fine," "middling," as the case may be.

3377. *Exporting flour not branded, etc.* If any person shall export any flour without branding on the barrel the name of the miller or bolter by whom manufactured, together with the proper quality of the flour so exported; or shall mix the flour with corn meal, or any other ingredient, whereby its value shall be impaired; or shall pack such flour in barrels not made of the lawful material or size; or shall pack less than the lawful quantity in any barrel or half barrel, he shall forfeit and pay the sum of ten dollars for each barrel, to be recovered before any justice of the peace, to the use of the person who will sue for the same.

3378. *Penalty for branding cask after removal from mill, etc.* If any person impress or brand the mark "family," "superfine," "fine," or "middling," or the semblance thereof, upon any barrel or cask of flour, after the same has been removed from the mill or place where it was manufactured or bolted, or, at any time or place, impress or brand on any barrel or cask of flour the name of any other person than the proper name of the miller or bolter by whom it was manufactured or bolted, he shall be guilty of a misdemeanor, and shall be imprisoned not less than three nor more than twenty days, and be fined in the sum of fifty dollars, one-half to the use of the person who will sue for the same, the other half to the use of the county.

Code of Tennessee, 1896, p. 780.

SEC. 1. *Adulteration unlawful.* It shall be unlawful for any miller, manufacturer of or dealer in flour, or any other firm, to mix or adulterate the flour manufactured, sold, or offered for sale by him or them with borite [boride], cornmeal, cornstarch, or any noxious, deleterious, or injurious substance whatever.

SEC. 2. *Penalty.* The violation of the first section of this act shall be and the same is hereby declared to be a misdemeanor, and the violation of the same shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars, and by imprisonment at the discretion of the court.

Act of March 19, 1897, ch. 45, p. 177, as amended March 11, 1903, ch. 98, p. 178; Supplement to Code, 1897-1903, p. 822.

SEC. 1. *Containers; marked with weight of flour and tare.* All flour, grits, or cornmeal packed in barrels or half barrels, made of any material, or any packages made of wood or metal in which flour, grits, or cornmeal are offered for sale, shall be well made and of good material, and shall have the net weight of flour plainly marked on the head, top, or side of the barrel or package with a stencil or paper label or pencil, with letters and figures not less than one inch in length, and the tare marked on the reverse end or side of the barrel or package in like manner.

SEC. 2. *Gross weight for barrels, sacks, etc., fixed; must be stamped.* Every miller, bolter, blender, or mixer, or other person who manufactures or who buys flour, grits, or cornmeal for the purpose of repacking, shall put into each barrel the full quantity and weight of one hundred and ninety-six (196) pounds of flour, grits, or cornmeal, and shall put into each half-barrel the quantity and weight of ninety-eight (98) pounds of flour, grits, or cornmeal. When flour, grits, or cornmeal is packed in sacks, the gross weight shall be as follows: Half-barrel sacks, 96 pounds; quarter-barrel sacks, 48 pounds; eighth-barrel sacks, 24 pounds; sixteenth-barrel sacks, 12 pounds; thirty-second barrel sacks, 6 pounds; and may be packed in any other size package, but whatever the size of the package, the gross weight of each package shall be stamped, stenciled, or printed on each package.

SEC. 3. *Allowance made.* From the weights above specified, variations from inaccuracies will be allowed as follows: On all packages weighing 90 pounds or over, an allowance of one-fourth of 1 per cent, and on all packages smaller than 90 pounds, an allowance of one-half of 1 per cent less than the weight specified in section 2 of this act.

SEC. 4. *Penalty.* Any violation of this act shall be a misdemeanor, and upon conviction the offender shall be fined not less than fifty dollars nor more than five hundred dollars.

Passed April 14, 1903. Acts of 1903, ch. 443, p. 1252; Supplement to Code, 1897-1903, pp. 556-557.

SEC. 1. *Corn meal, standard weight.* That the standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight (48) pounds.

SEC. 2. *Corn meal packing regulations; labels.* That it shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State any corn meal except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel respectively. Each bag or package of corn meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight in pounds: *Provided*, the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

SEC. 3. *Penalty.* That any person or persons guilty of violating either of the foregoing sections of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not exceeding one hundred (\$100) dollars or by imprisonment not exceeding thirty (30) days, or by both fine and imprisonment in the discretion of the court.

SEC. 4. *Effect.* That this Act shall be of force and effect from and after September 1st, 1905, the public welfare requiring it.

SEC. 5. *Repeal.* That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Approved April 17, 1905. Acts of 1905, ch. 482, pp. 1039-1040.

WATER.

SEC. 1. *Contamination of water supply; penalty.* It shall be a misdemeanor for any person to in any way wilfully injure the pipes, pumps, reservoirs, tanks, standpipes, or other apparatus or fixtures belonging or in any wise appertaining to any waterworks, or to wilfully disturb, pollute, contaminate, or injure the water in the tanks, standpipes, or reservoirs of any such waterworks by bathing therein or by any other act or acts tending to injure the water, or to make it unpalatable, unwholesome, or unfit for domestic or manufacturing purposes, of any plant supplying water for domestic or manufacturing purposes, whether the same shall belong to a city or town government, or to a waterworks company, or to any person, firm, or corporation; and that any person found guilty thereof, or anything prohibited hereby, shall pay a fine of not less than \$5 nor more than \$50, one-half of which shall go to the informer, and the other half to the public school fund.

SEC. 2. *Corruption of streams.* It shall be a misdemeanor for any person to wilfully corrupt or to permit anything to run or fall into any stream from which water shall be taken for the purpose of supplying water to any water plant such as is referred to in section 1 of this act, and any person violating this section shall be punished as provided in section 1 hereof.

SEC. 3. *Jurisdiction.* The grand juries of this state shall have inquisitorial power of all offenses committed against this act and the same shall be given in charge to such juries by the judges of the several circuit courts of the state.

Approved April 10, 1903. Acts of 1903, ch. 310, p. 905; Supplement to Code 1897-1903, pp. 807-808.

TEXAS.

Texas authorizes the State health officer to enforce the food laws of the State and to expend for that purpose an amount not exceeding \$2,000. This item, however, has not been included in the appropriation bills of the legislature and no serious attempt has been made to enforce the laws that have been enacted regarding the manufacture and sale of foods.

GENERAL FOOD LAWS.

426. Unwholesome foods. If any person shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell any kind of corrupted, diseased, or unwholesome substance, whether for food or drink, without making the same fully known to the buyer, he shall be fined not less than twenty nor more than one hundred dollars.

427. Penalty for injurious adulteration. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any spirituous, vinous, or malt liquor, intended for drink, with any substance injurious to health, he shall be punished by fine not less than fifty nor more than five hundred dollars.

428. Penalty for selling injuriously adulterated liquors. If any person shall sell any spirituous, vinous, or malt liquor intended for drink, knowing the same to be adulterated with any substance or liquid injurious to health, he shall be punished by fine not less than fifty nor more than five hundred dollars.

429. Drugs and medicines. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to change the operation of such drug or medicine, or render the same worthless, or injurious to health, he shall be punished by fine not less than fifty nor more than five hundred dollars.

430. General penalty. That no person shall within this state manufacture, offer for sale, or sell any article of food, wines, beers, fermented or distilled liquors or drugs, which is by him known to be adulterated, within the meaning of this law. Any person violating this provision, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

431. Terms "food" and "drug" defined. The term food, as used in this law, shall include every article used for food or drink by man. The term drug, as used in this chapter, shall include all medicines for internal or external use.

432. Adulteration defined. An article shall be deemed adulterated within the meaning of this chapter. (a) In case of drugs:

1. If, when sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality, or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia or standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

(b) In the case of food or drinks:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted, wholly or in part, for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.
4. If it be an imitation of, or be sold under the name of another article.
5. If it consists, wholly or in part, of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal.
6. If it be colored or coated or polished or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.
7. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it; provided, that the state health officer may, with the approval of the governor, from time to time, declare certain articles or preparations to be exempt from the provisions of this law; and provided further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food; provided, that the same are not injurious to health, and that the articles are distinctly labeled as a mixture, stating the components of the mixture.

433. *Exemptions; standards.* It shall be the duty of the state health officer to prepare and publish, from time to time, lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this law, in accordance with the preceding article. The state health officer shall also, from time to time, fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any national Pharmacopœia.

434. *State health officer to enforce law; appropriations.* The state health officer shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulterations of the same, and make all necessary investigations and inquiries relating thereto. He shall also have the supervision of the appointment of public analysts and chemists, and upon his recommendation, whenever he shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked, and be held to be void and of no effect. The state health officer shall adopt such measures as may seem necessary to facilitate the enforcement of this law, and prepare rules and regulations with regard to the proper method of collecting and examining articles of food or drugs, and for the appointment of the necessary inspector and analysts, and the said health officer shall be authorized to expend an amount not exceeding two thousand dollars, for the purpose of carrying out the provisions of this law; and the sum of two thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose in this article provided.

435. *Samples for analysis; penalty for refusing to sell same.* Every person selling or offering or exposing any article of food or drug for sale, or delivering any article to purchasers, shall be required to serve or supply any public analyst or other agent of the state, or local health officer appointed under this law, who shall apply to him for that purpose, and on tendering the value of the same, with a sample sufficient for the purpose of analysis of any article which is included in this law, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense, and one hundred dollars for each subsequent offense.

436. *Penalty for obstructing law.* Any violations of the provisions of this law shall be treated and punished as a misdemeanor; and whoever shall impede, obstruct, hinder, or otherwise prevent any analyst, inspector, or prosecuting officer in the performance of his duty, shall be guilty of a misdemeanor, and shall be fined in any sum not less than fifty, nor more than five hundred dollars.

437. *Printing of regulations.* All the regulations and declarations of the state health officer, made under this law, from time to time, and promulgated, shall be printed for general distribution.

The city council shall have power:

ART. 422. *Inspection.* To establish or erect, or cause to be established or erected, markets and market houses, designate, control and regulate market places and privileges, inspect and determine the mode of inspecting meat, fish, vegetables and all produce and every article and thing therein brought for sale.

Sayle's Civil Statutes, 1897, vol. 1, title 18, ch. 4, p. 193.

The city council shall have power:

ART. 437. *Butchers.* To make such rules and regulations in relation to butchers as they may deem necessary and proper.

ART. 438. *Inspection.* To regulate the inspection of beef, pork, flour, meal, salt and other provisions whisky and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees.

ART. 439. *Bread.* To regulate the weight and quality of the bread to be sold or used within the city.

Sayle's Civil Statutes, 1897, vol. 1, title 18, ch. 4, p. 195.

FLOUR.

SEC. 1. *Standard weights for various meals.* Meal products hereinafter mentioned shall have the following standard weights, viz: Flour, one hundred and ninety-six pounds per barrel, or forty eight^a pounds per sack; corn meal, bolted or unbolted, thirty-five pounds per sack, and feed made from cereals of any kind, whether pure, mixed or adulterated, one hundred pounds per sack. Fractional barrels and sacks shall weigh in the same proportion, and these weights shall be net and exclusive of the barrel or sack in which such product is packed.

SEC. 2. *Branding of name and weight.* The correct name and the true net weight of the contents of each and every hogshead, barrel, box, cask, bale, sack or package of any of the foregoing products, whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large, legible letters and figures, not less than two inches in size, upon the exterior of such hogshead, barrel, box, cask, bale, sack or package in a conspicuous place, as the head in case of hogsheads or barrels, and the front or branded side in case of sacks, bales or packages; and it shall be unlawful for any person, firm or corporation, or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange any of such products so packed or contained until the provisions hereof have been complied with.

SEC. 3. *Adulterated products must be labeled.* It shall be unlawful for any person, firm or corporation, or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange, whether in single packages or lots, any product composed of mixed cereals of any kind or any cereal adulterated in any manner, unless the word "adulterated" is plainly marked, printed or stenciled diagonally across the other marks or brands, if any, on the hogshead, barrel, box, bale, cask, sack or package containing the same, or in case there are^a no other marks thereon, then across such hogshead, barrel, box, cask, bale, sack or package, in a conspicuous place in large legible letters and figures not less than two inches in size.

SEC. 4. *Penalty.* If any person shall knowingly violate the provisions of this Act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one thousand dollars, and each transaction shall be deemed a separate offense.

^aSo in Statutes.

SEC. 5. *Repeal.* All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. *Effect.* There being now no law to regulate the sale of certain mill products, the near approach of the close of the session and the crowded condition of the docket, creates an emergency and imperative public necessity requiring bills to be on three several days, be suspended, and that this bill be placed upon its third reading and final passage.

General Laws 1905, ch. 118, p. 227.

18621—No. 69, pt 7—06—5

UTAH.

The food laws of this State are administered by the dairy and food commissioner.

GENERAL FOOD LAWS.

4268. *Poisoning food, milk, or water; penalty.* Every person who wilfully mingles any poison with any food, drink, or medicine, with intent that the same shall be taken by any human being, to his injury, and every person who wilfully poisons any spring, well, stream, or reservoir of water, is punishable by imprisonment in the state prison for a term not less than one nor more than ten years.

4288. *Adulterating food, drink, or drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous, or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps, or offers for sale, the same, as unadulterated or undiluted, is guilty of a misdemeanor.

4290. *Sale of tainted food, etc.* Every person who knowingly sells, or keeps, or offers for sale, or otherwise disposes of, any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Revised Statutes, 1898.

SEC. 1. *Dairy and food commissioner appointment; term; compensation.* The office of dairy and food commissioner for the State of Utah, is hereby created. Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment, and vacancies occurring in the office for any cause, shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be \$1,200 per annum, together with his necessary and actual expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other State officers.

SEC. 2. *Duties; inspection.* It shall be the duty of the Commissioner, and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this State regarding the production, manufacture or sale of dairy and creamery products, or the adulteration of any article of food, and regarding the use of skimmed or adulterated milk, and the feeding unwholesome food to cattle and the keeping of cattle having infectious or contagious diseases; and said commissioner shall personally, or by his deputy, inspect any article of food, made or offered for sale within this State which he may suspect, or have reason to believe to be impure, unhealthy, adulterated, or counterfeit. He shall also visit and inspect the various cheese and butter factories of the State, and shall have power to enforce proper sanitary regulations in their management and surroundings. And said Commissioner shall personally, or by his deputy, when complaint is made of the violation of any law relating to the feeding or keeping upon the premises, for the purpose of feeding, any unwholesome food for cattle, or the keeping of cattle afflicted with any contagious or infectious disease, immediately investigate said charge, and may prosecute any person, firm, or corporation violating any of the laws of this State, which it is the duty of said Commissioner to enforce.

SEC. 3. *Examinations and analyses; searches and seizures; penalty for obstructing.* Said Commissioner shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom, or other place or building, where he has reason to believe that any food is made, prepared, sold, or offered for sale, and to open any package, or receptacle of any kind containing, or supposed to contain, any such article, and to examine or cause to be examined and analyzed, the contents thereof; and the commissioner may seize or take, any article of food for analysis, but if the person from whom such sample is taken shall request him to do so, he shall, at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken; one of which shall be for examination or analysis, under the direction of the commissioner, and the other of which shall be delivered to the person from whom the articles were taken. Any person who shall obstruct the commissioner by refusing to allow him entrance to any place which he desires to enter, in the discharge of his official duty, or who refuses to deliver to him, a sample of any article of food made, sold, offered, or exposed for sale, by such person, when the same is requested, and when the value thereof is tendered, shall be deemed guilty of a misdemeanor, and punished by a fine of not exceeding twenty-five dollars for the first offence and not exceeding five hundred dollars nor less than fifty dollars for each subsequent offence.

SEC. 4. *County attorney to aid; disposal of fines.* It shall be the duty of the county attorney in any county of the State, when called upon by the commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act; and all fines and assessments, collected in any prosecution begun or caused to be begun by said commissioner shall be paid into the State treasury.

SEC. 5. *Report of commissioner; publication.* Said commissioner shall make a biennial report to the Governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value; and, with the consent of the Governor, not exceeding one thousand copies thereof may be published annually as other official reports are published.

SEC. 27. *Adulteration or dilution of food a misdemeanor.* Every person who adulterates or dilutes any article of food, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered, for sale as unadulterated or undiluted, and every person who sells, or keeps, or offers for sale, the same, as unadulterated or undiluted, is guilty of a misdemeanor.

SEC. 28. *Definition of "food."* That the term "food," as used in this bill, shall include all articles used for food, confectionery, flavoring, drink, or condiment, by man, whether simple, mixed or compound. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular; or any statement purporting to name the substances of which said article is made, which statement shall not fully give the names of all substances contained in measurable quantities, in such article, or which shall be false as to the State, Territory, or country in which the article is manufactured or produced.

SEC. 29. *Adulteration defined.* That for the purpose of this act, an article shall be deemed adulterated, in the case of food or drink:

First. If any substance or substances has or have been mixed and packed with it, so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, or sold under the specific name of any other article.

Fifth. If it be mixed, colored, coated, powdered, polished, or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser.

Eighth. If it consists of the whole or part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

SEC. 30. *Adulterated candy.* It shall be unlawful for any person to manufacture for sale, or knowingly offer for sale, any candy, adulterated by the admixture of terra-alba, baryta, talc or any like substance, or by poisonous colors, or flavors, or other matters deleterious or detrimental to health.

SEC. 31. *Unwholesome food.* It shall be unlawful for any person to knowingly sell, or keep, or offer for sale, any article of food, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk.

SEC. 32. *Penalty.* Any person who shall violate any provision of this act, or who shall misbrand any package, containing any article of food, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten, nor more than one hundred dollars. And any article of food found in his possession in violation of any provision of this act shall be subject to confiscation and spoliation.

SEC. 33. *Former laws repealed.* Sections 2446 to 2450, 729 to 746, 4283 to 4290, all inclusive, of the Revised Statutes of Utah, 1898, and Chapters 34 and 48 of the laws of Utah, 1899, are hereby repealed.

SEC. 34. *Date of effect.* This act shall take effect upon approval.

Approved March 2, 1903. Laws of Utah, 1903, ch. 25, p. 16-23.

SEC. 1. *Appointment of State chemist.* The office of State Chemist is hereby created. Such Chemist shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment; and vacancies occurring in the office from any cause, shall be filled by appointment^a, for the balance of the unexpired term.

SEC. 2. *Salary.* The salary of the Chemist shall be one thousand dollars per annum, which shall include all expenses incurred in the discharge of his official duty.

SEC. 3. *Duties of State chemist.* It shall be the duty of the chemist to analyze all articles of food and drink manufactured, sold and used, within this State, when submitted to him by the State Dairy and Food Commissioner, or the State Board of Health, and to make a biennial report to the Dairy and Food Commissioner and the State Board of Health, which report shall contain a record of all analyses made by him, and such other information as he may consider of value and interest.—*As amended March 9, 1905, Laws of 1905, ch. 80, p. 90.*

SEC. 4. *Effect* This act shall take effect upon approval.

Approved March 12, 1903. Laws of 1903, ch. 97, pp. 84-85.

^aSo in Statutes.

DAIRY PRODUCTS.^a

SEC. 6. *Milk standard; impure or adulterated milk prohibited.* Milk must contain not less than three per cent. of fat and twelve and one-half per cent. solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious^b to the quality of the milk, such as garbage, swill, or any substance in a state of putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

SEC. 7. *Proof in prosecutions for sale of impure milk.* In all prosecutions or other proceedings under this or any other law of this State, relating to the sale or furnishing of milk, if it shall be proved that the milk sold, offered for sale, furnished, delivered, or had in possession with intent to sell, offer for sale, furnish, or deliver as aforesaid, as pure, wholesome, and unskimmed, has been adulterated or diluted, or any part of its cream abstracted, or that it or any other part of it was drawn from any cow, within twenty days before or five days after parturition, or from any cow that has any disease, or ulcer or other running sore, then and in either case, the said milk shall be held and adjudged to have been adulterated, impure or unwholesome, as the case may be.

SEC. 8. *Skimmed milk must be labeled; standard.* No person shall sell, exchange, deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the center, upon the outside of every vessel, can, or package, from or in which such milk is sold, the words "Skimmed Milk" are distinctly marked in uncondensed gothic letters, each not less than one inch in height. Such skimmed milk shall not contain less than nine per cent. of milk solids, exclusive of fats.

SEC. 9. *Tests.* Proofs of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk, or by chemical analysis. Cream of standard purity shall be cream produced from normal milk, free from all kinds of additions and containing not less than twenty per cent. of butter-fat. The sale of cream which is not of standard purity is prohibited.

SEC. 10. *Preservatives prohibited; butter standard.* No person shall sell, or offer for sale, consign, or have in his possession with intent to sell or otherwise dispose of to any person, any milk, cream, butter, cheese, or other dairy products, or shall deliver to any creamery or cheese factory, milk or cream to be manufactured into butter or cheese, to which boracic acid, formaldehyde, salicylic acid, viscogen, or compounds containing them, or any antiseptics, have been added. Butter of standard purity, shall be butter made from normal milk or cream, free from all kinds of additions, except salt and harmless coloring matter, and shall contain not less than eighty-three per cent. of butter fat.

SEC. 11. *Feeding refuse to dairy cattle.* No dairyman or other person selling milk, butter, or cheese, shall feed dairy cattle or keep on his premises, for the purpose of feeding the same, any swill, brewer's malt, vinegar slops, vinegar malt, distillery sprouts, or any other food which may make said butter, milk, or cheese, unwholesome or unhealthy for use.

SEC. 12. *Cattle with infectious diseases.* No person selling, exchanging, furnishing, or delivering milk or dairy products, shall have in his possession, at any place where milch cows are kept, any cattle having tuberculosis, or other infectious or contagious disease. It shall be the duty of the Dairy and Food Commissioner of this State, in

^a See also General Food Law for penalty, etc.

^b So in Statutes.

case he shall find that cattle are kept in violation of the provisions of this act, to cause all such cattle having any contagious or infectious disease to be killed.

SEC. 13. *Skimmed-milk cheese.* No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, any cheese, manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk.

SEC. 14. *Size of skimmed-milk cheese.* No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, within this State, any skimmed milk, cheese, or cheese manufactured from milk from which any of the fats, originally contained therein have been removed, except such cheese be not less than nine, nor more than eleven inches in diameter, and not less than nine inches in height.

SEC. 15. *Imitation butter. Oleomargarine.* No person shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession, with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk, or cream from the same, and without the admixture or addition of any fat, foreign to said milk or cream, which shall be an imitation of yellow butter, produced from pure, unadulterated milk or cream of the same, with or without coloring matter; provided, that nothing in this title shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, but it must be free from coloration or ingredients that cause it to look like butter, and free from any word, brand, or marking, either upon the package or upon any wrapper or upon the contents of the same which would in anywise tend to deceive the purchaser or consumer.

SEC. 16. *Oleomargarine sold as butter.* It shall be unlawful for any person to sell, or offer for sale, to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, and not made entirely from the milk of cows, with or without coloring matter.

SEC. 17. *Labels and placards for oleomargarine.* It shall be unlawful for any person to expose for sale oleomargarine, butterine, or any similar substance, not marked and distinguished on the outside of each tub, package, or parcel thereof by a placard with the word "Oleomargarine" or "Butterine," and not having also upon the exposed contents of every open tub, package, or parcel thereof a conspicuous placard with the word "Oleomargarine" or "Butterine," such placard in each case to be printed in plain, uncondensed gothic letters, not less than one inch long, and to contain no other words thereon.

SEC. 18. *Signs on stores, etc., selling oleomargarine.* It shall be the duty of every person who sells oleomargarine, butterine, or any similar substance from any dwelling, store, office, or public mart, to have conspicuously posted thereon the placard or sign in letters not less than four inches in length, "Oleomargarine Sold Here," or "Butterine Sold Here." Such placard shall be approved by the Dairy and Food Commissioner.

SEC. 19. *Placards on wagons delivering oleomargarine.* It shall be unlawful for any person to peddle, sell, solicit orders for the future delivery of, or deliver, from any vehicle, oleomargarine, butterine, or any similar substance, without having on the outside of both sides of said vehicle, the placard, in uncondensed gothic letters, not less than three inches in length, "Oleomargarine" or "Butterine."

SEC. 20. *Notification of use of oleomargarine in hotels, etc.* It shall be unlawful for any person to furnish, or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron of said hotel, boarding-house, restaurant, or lunch counter, without first notifying each guest or patron that the substance so furnished is not butter.

SEC. 21. *Pure butter and cheese to be used in public institutions.* No butter or cheese, not made wholly and directly from pure milk, or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions of the State.

SEC. 22. *Search warrants.* When complaint shall be made on oath to any magistrate, authorized to issue warrants in criminal cases, that imitation butter, or imitation cheese, or any substance designed or intended to be used as a substitute for butter or cheese, is in the possession or under the control of any person or persons contrary to the provisions of the law of this State, and that the complainant believes that it is concealed in any particular warehouse, store, or refrigerator for mercantile purposes, the magistrate, if he be satisfied that there is cause for such belief, shall issue a warrant for such property.

SEC. 23. *Contents of warrants.* All such warrants shall describe and designate the place and property to be searched for, and shall be directed to the Sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house, building, store, or other place, where imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese for which he is required to search, is believed to be concealed, and to bring such property when found, and the person or persons in whose possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

SEC. 24. *Seizure; analysis; confiscation.* When any officer, in the execution of a search warrant, under the provisions of this act shall find any imitation butter or cheese, or any substance designed or intended to be used as an imitation of butter or cheese, and for which a search is allowed by this act, all the property so seized, shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial; *provided*, that it shall be the duty of the officer who serves a search warrant, issued for imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese, and alleged to be in his possession, or under the control of any person or persons contrary to law, to deliver to any person, authorized in writing to receive the same, a true and perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed; such analysis to be made by a chemist of any state institution, and the result of such analysis or test shall be recorded and preserved as evidence, and the expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the cost of such prosecution. If any sample be found to be imitation butter, or imitation cheese, or substance designed or intended to be used as an imitation of butter or cheese, and that the same, at the time of such seizure, was in the possession or under the control of any person or persons contrary to any of the provisions or requirements of this act, then and in such case the property so seized shall be confiscated under the direction of the court or magistrate; otherwise the said property shall be forthwith returned to the person or persons from whom it was taken, and no cost or expense shall be charged to such person or persons.

Laws of Utah, 1903, ch. 25, p. 18.

SEC. 1. *Renovated butter to be branded.* No person or persons, firms or corporation, by themselves or their agents or employee, shall sell, offer for sale or expose for sale or have in his or their possession for sale any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, or any container of such renovated butter the words "renovated butter" in letters not less than one-half inch in height, or who shall not have secured from the State Food and Dairy Commissioner, now existing under the laws of this State, a license as provided hereinafter.

SEC. 2. *Renovated butter defined.* The term renovated butter, as used in this act, is hereby defined to mean and include butter that has been reduced to a liquid state by melting, and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

SEC. 3. *License.* Any person or persons, firms or corporations, desiring to manufacture or deal in renovated butter shall make application to the State Food and Dairy Commissioner for a license, and upon payment of license fee of the amount mentioned herein, to the State Food and Dairy Commissioner, said State Food and Dairy Commissioner shall issue to the applicant a license. All such licenses shall expire December 31st of each year and may be issued in periods of one year or six months, upon payment of a proportionate part of the license fee. Manufacturers of renovated butter within this State shall pay an annual license fee of one thousand dollars; wholesale dealers shall pay an annual license fee of four hundred dollars; in such renovated butter retail dealers shall pay an annual license fee of fifty dollars; hotels, restaurants, boarding houses and all other places where meals are served and payment is received therefor, either immediately or by the day, week or month, where such renovated butter is used, shall pay an annual license fee of twenty-five dollars. The term wholesale dealers, as used herein, includes all persons, firms or corporations, who shall sell renovated butter in quantities of ten pounds or more. The term retailers includes all persons who sell in quantities of less than ten pounds. All licenses while in force shall be conspicuously displayed in the place of business of the party or parties to whom they have been issued. The State Food and Dairy Commissioner shall require all persons holding manufacturers or wholesale licenses, as provided in this act, to keep a record in a form separate from all other business in which every sale of renovated butter shall be recorded, giving the quantity sold, the name and location of the buyer and the place to which it was shipped. Such record shall be accessible at all times to duly authorized representatives of the State Food and Dairy Commissioner.

SEC. 4. *License to be paid into state treasury.* All license fees paid to the State Food and Dairy Commissioner under this act shall be paid by said Food and Dairy Commissioner into the State Treasury.

SEC. 5. *Penalty.* Whoever shall violate any of the provisions or sections of this act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars nor more than one hundred dollars; or by imprisonment in the county jail for not less than ten days and not exceeding thirty days; and for each subsequent offense, by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than one hundred days or by both such fine and imprisonment, at the discretion of the court.

SEC. 6. *County attorney must prosecute; payment of fines.* It shall be the duty of the County Attorney of each and every county in the State, upon application to attend to the prosecution in the name of the State of any action brought for the violation of any of the provisions of this act within his district. A l of the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed.

Approved March 9, 1905. Laws of 1905, ch. 91, pp. 106-107.

VINEGAR.^a

SEC. 25. *Standard; brands.* All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent. by weight of absolute acetic acid and must not contain any preparation

^a Penalty clause given under General Food Law, sec. 32.

of lead, copper, sulphuric acid, or any other mineral acids, vinegar eels or ingredients injurious to health. All vinegars made by fermentation and oxidation, must be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made; must be free from foreign substance, and must contain not less than one and three-fourths per cent. by weight, of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "Distilled Vinegar" and must be free from harmful artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs, or acids, and containing not less than one and three-fourths per cent. by weight, of cider vinegar solids, can be sold as apple, orchard, or cider vinegar. Malt vinegar must be made from malt, by fermentation and oxidation without distillation, and contain by weight four per cent. absolute acetic acid, and yield upon evaporation at least two per cent. of malt solids.

SEC. 26. *Diluted vinegar to be labeled.* No person or persons, known as retailers who sell vinegar by the gallon, shall reduce by water or other mixtures, the strength of vinegar, purchased and sold by them, unless he shall mark in plain figures on said package or barrel, the strength of the vinegar, still contained in said package.

Laws of Utah, 1903, ch. 25, p. 21.

RULINGS ON THE PURE FOOD LAWS OF MARCH 2, 1903.

1. *Labels.* All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures," or "compounds," or as "artificial preparations."

2. *Pure foods.* Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture or an artificial preparation or imitation.

3. *Standards.* Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopoeia, or the Association of Official Agricultural Chemists.

4. *Injurious ingredients.* No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5. *Worthless ingredients.* No fraudulent or worthless article having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the label "compound" or "mixture;" but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6. *Name and address of manufacturer.* Foods manufactured in Utah, except where exempt by statute from such requirements, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded as suspicious.

7. *Artificial extracts.* Artificial preparations or imitations shall not be labeled "extracts," but must be labeled as "artificial vanilla extracts," etc.

8. *Coloring matter.* The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure and of standard quality; except in case of oleomargarine, milk and cream.

9. *Preservatives.* Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, spice, vinegar or wood smoke.

10. *Labels for extracts below standard.* When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

11. *Mustard.* Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

12. *Spices.* Mixtures of a spice with one or more of its valuable by-products as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own distinctive names.

13. *Coffee.* Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."

14. *Label for mixed coffees.* Packages containing such articles may be sold if they have name of the adulterant plainly printed on the label.

15. *Confections.* Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

16. *Metal containers.* Tin or cans in which food is preserved, and the portion of the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

17. *Vinegar.* Merchants having vinegar in their possession, not properly branded will be liable.

NOTE. Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

JOHN PETERSON, *Commissioner.*

VERMONT.

The food laws of Vermont were enacted by the last meeting of the legislature and went into effect immediately. They are enforced by the State board of health. In reply to a letter of inquiry, Dr. Henry D. Holton, secretary of the board, made the following statement:

In regard to the efficiency of our pure food law, I have to say that in the few months since this law became effective we have found only one deficiency which affects its operation, that is, no appropriation was made by the legislature for its enforcement. The State board of health was directed to perform the various duties required by the law; hence the expenses incurred in the collection of samples and paying for the same, all other expenses of printing, etc., must come out of the meager appropriation of the State board of health. This prevents the collection of the number of samples of different food products desired, and thus interferes with the purpose of the law.

GENERAL FOOD LAWS.

5073. *Penalty for sale of unwholesome provisions.* A person who knowingly sells diseased, corrupted or unwholesome provisions, for food or drink, shall be imprisoned not more than six months, or fined not more than three hundred dollars.

5074. *Slaughter of calves.* A person who kills or causes to be killed, with intent to sell the meat thereof for family use, a calf less than four weeks old, or knowingly sells or has in his possession such meat with intent to sell the same in the state, or to send the same for such use to any foreign market, shall be punished as provided in the preceding section.

5075. *Penalty for adding injurious ingredients to foods.* A person who fraudulently adulterates, for the purpose of sale, bread or liquor or any substance intended for food or drink, with a substance injurious to health, or who knowingly sells such adulterated food or drink, shall be imprisoned in the state prison not more than two years, or fined not more than three hundred dollars; and the articles so adulterated shall be forfeited and destroyed under the direction of the court.

Statutes 1894, p. 905.

SEC. 1. *Adulteration prohibited.* No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine, or any adulterated article of food or substance to be used in the manner of food or drink, for man or domestic animals.

SEC. 3. *Adulteration defined.* If any food or substance intended to be eaten or used in the manner of food or drink, contains a less quantity of any valuable constituent than is contained in the genuine article weight for weight, or contains any substance foreign to the well known article under whose name it is sold, or is colored, coated, polished or powdered, whereby damage is concealed, or contains any added poisonous ingredient, or consists wholly or partly of any decomposed, putrid, or diseased substance, or has become offensive or injured from age or improper care, it shall be deemed to be adulterated within the meaning of this act.

SEC. 4. *Penalty.* Whoever fraudulently adulterates for the purpose of sale any article of food or drink, drug or medicine, or knowingly sells any fraudulently adulterated article of food or drink, drug or medicine, or any kind of diseased or unwhole-

some provisions as defined in this act, shall be imprisoned not exceeding one year, or fined not more than four hundred dollars.

SEC. 5. *Sampling.* Every person offering or exposing for sale any drug or article of food within the meaning of this act, shall furnish to any member of the state board of health, or any local health officer, who shall apply to him for the same and tender him its value in money a sample sufficient for the purpose of the analysis of such drug or article of food.

SEC. 6. *Analysis requested of State board of health; prosecution.* Any person who has reason to doubt the purity or genuineness of any article of food which he has purchased, may send at his own expense a sealed sample of it to the laboratory of hygiene of the state board of health for inspection. If upon examination the article appears to be adulterated, the board may obtain a certified sample of it, and should this sample prove to be adulterated, the board shall begin proceedings at once against the vendor.

SEC. 7. *Penalty for hindering health officers.* Whoever hinders, obstructs, or in any way interferes with any member of the state board of health or any local health officer in the performance of his duties under this act, shall be fined not more than fifty dollars for the first offense, and for each subsequent offense shall be fined one hundred dollars.

SEC. 8. *Duplicate sample.* Before commencing the analysis of a sample, the analyst shall reserve a portion, which shall be sealed; and in case of a complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney, and part to the secretary of the state board of health.

SEC. 9. *Adulteration of liquor; penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be imprisoned not exceeding one year, or be fined not more than one thousand dollars.

SEC. 10. *Slaughter of calves.* Whoever kills, or causes to be killed, for the purpose of sale for food, a calf less than four weeks old, or knowingly sells, or has in possession with intent to sell, for food, the meat of any such calf, shall be imprisoned not exceeding thirty days, or fined not more than fifty dollars, or both.

SEC. 11. *Authority of health officer; inspection and seizures.* The health officer of any city, town or village may inspect the carcasses of all slaughtered animals intended for food for men, and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their cities or towns, and for such purposes may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or exposed for sale. If, on such inspection, it is found that such carcasses or articles are designed for food for man and are tainted, diseased, corrupted, decayed, unwholesome, or from any cause unfit for food, the board of health shall seize the same and cause it or them to be destroyed forthwith, or disposed of otherwise than for food. The powers conferred in this section upon local health officers, are conferred upon any member of the state board of health to perform the same acts in any part of the state.

SEC. 12. *Destruction of adulterated products.* Any meat, unwholesome provisions or articles sold, kept or offered for sale for food or drink for human beings, and any articles adulterated in violation of any of the preceding sections, shall be deemed a public nuisance and summarily destroyed.

SEC. 17. *Adulterated candy to be forfeited.* No person shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer for sale, any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors or other ingredients, deleterious or detrimental to health, and the candy so adulterated shall be forfeited and destroyed under direction of the court.

SEC. 18. *Rules and regulations of State board of health.* The state board of health shall, as soon as may be after this act takes effect, adopt such rules and regulations, not inconsistent with existing laws, as it deems necessary to facilitate the enforcement of the provisions of this act, and for the collecting and examining of drugs, foods, liquors, and candy, articles of clothing, fabrics, wall paper or anything containing poisonous pigments or substances whereby the health of any person may be injured. Said board shall cause said rules and regulations to be printed in pamphlet form for distribution, shall furnish to each local health officer a sufficient number of copies to supply the members of the local board of health and all practicing physicians in such town, and furnish to each town clerk a sufficient number of copies for distribution under the provisions of law as to the distribution of the acts and resolves of the general assembly; and it shall be the duty of said local health officers and town clerks to distribute the same. Any violation of any such rule or regulation made under the provisions of this act, after the publication and distribution of such rules and regulations, shall be punished by a fine of not more than five hundred dollars.—*As amended December 7, 1904, Laws of 1904, No. 144, p. 202.*

SEC. 19. *Penalty.* If any person violates any of the provisions of this act, for which no penalty is hereinbefore provided, he shall be fined not more than one hundred dollars and not less than fifty dollars.

SEC. 20. *Jurisdiction.* Justices of the county shall have concurrent jurisdiction with the county court of offenses under this act to the extent of fining the respondent fifty dollars, or may bind him over for trial by county court. Any state's attorney, grand juror or other public prosecuting officer may institute prosecutions for violations of this act.

SEC. 21. *Standards.* The standard of purity for food products shall be that adopted by the United States Department of Agriculture.

SEC. 22. *Prosecution.* It is hereby made the duty of the state board of health, or agent thereof, to bring to the notice of the proper prosecuting officer any violation of any United States statute for preventing the adulteration or misbranding of food or drugs.

SEC. 23. *Exemptions.* Nothing contained in the preceding sections shall be so construed as to prevent the state board of health from issuing to a producer or manufacturer of foods or drinks a permit to use such preservatives or coloring matters as said board may determine by analysis or otherwise are not detrimental to health.

SEC. 24. *Repeal.* All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 25. *Effect.* This act shall take effect from its passage.

Approved November 11, 1904. Laws of 1904, No. 143, pp. 198-202.

ALCOHOLIC BEVERAGES.^a

4473. *Penalty for sale of adulterated liquor.* If a person by himself, clerk, servant or agent, or if an authorized agent of a town, knowingly sells, furnishes, gives away or distributes to others intoxicating liquor which is impure or adulterated, he shall be fined not more than three hundred dollars and not less than ten dollars.

Statutes 1894, p. 803.

SEC. 63. *Analysis of suspected samples.* If a person who has reason to believe that a licensee is selling intoxicating liquors that are adulterated or are not of good standard quality, calls the attention of the board thereto, the board shall, in writing, authorize some person other than a member thereof, to procure a sample or samples of liquor for analysis. And a board may of its own motion at any time so cause to be procured samples of liquor for analysis.

^aSee also General Food Laws, sec. 9, p. 620.

SEC. 64. *Taking of samples.* The person so authorized shall procure samples from the licensee and after receiving the same shall deliver to him the written order to procure such samples, and the vessel or vessels containing the same shall be sealed before they are taken from the premises of the licensee.

SEC. 65. *Certified analysis by State laboratory, Burlington.* The sample so obtained shall be immediately committed to the custody of the board or a member of it, and shall be put into a package which shall be sealed and sent by express, or delivered in person by a commissioner to the director of the state laboratory at Burlington, who shall make or cause to be made an analysis of such liquors, and send a certified report of such analysis to the board from which the samples came.

SEC. 66. *Action if sample be found of standard quality.* If the samples be found free from adulteration prohibited in the pharmacopoeia of the United States, and of good standard quality, the certificate referred to in the preceding section shall so state, and the town treasurer shall pay the licensee for the samples obtained upon presentation by him of the written order upon which they were obtained; and if so requested by the licensee the town clerk shall furnish him a certified copy of the report of analysis.

SEC. 67. *Prosecution; penalty.* If the certificate of analysis shows the samples to contain liquor that is adulterated, or that is not of good standard quality, the board shall cause prosecution to be had by a town grand juror or state's attorney against a licensee for selling adulterated liquor, or liquor not of good standard quality; upon conviction in either respect the offender shall be fined one hundred dollars; and upon conviction of a third offense shall forfeit his license.

Acts and Resolves, 1902, No. 90, p. 106.

SEC. 76. *Requests for samples.* If a person who has reason to believe that a licensee is selling intoxicating liquors that are adulterated, calls the attention of the board thereto, the board shall in writing, authorize some person other than a member thereof, to procure a sample or samples of liquor for analysis. And the board may, at any time procure, or cause to be procured, samples of liquor for analysis.

SEC. 77. *Taking of sealed samples.* The person so authorized, shall procure samples from the licensee, and after receiving the same, shall deliver to him a copy of the written order to procure such samples; and the vessel or vessels containing the same shall be sealed before they are taken from the premises of the licensee.

SEC. 78. *Certified analysis by director of State laboratory.* The samples so obtained, shall be immediately committed to the custody of the board, or a member of it, and shall be put into a package, which shall be sealed, and sent by express, or delivered in person, by a commissioner to the director of the state laboratory, at Burlington, who shall make, or cause to be made, an analysis of such liquors; and send a certified report of such analysis to the board from which the samples came.

SEC. 79. *Payment for samples.* If the samples be found free from adulteration prohibited in the pharmacopoeia of the United States, the certificate referred to in the preceding section shall so state, and the town treasurer shall pay the licensee for the samples obtained, upon presentation by him of the written order upon which they were obtained; and, if so requested by the licensee, the town clerk shall furnish him a certified copy of the report of the analysis.

SEC. 80. *Prosecution; penalties.* If the certificate of analysis shows the samples to contain liquor that is adulterated, the board shall cause a prosecution to be made by the state's attorney, or town grand juror, against the licensee for selling adulterated liquor; and upon conviction thereof, such licensee shall be fined one hundred dollars; and upon conviction of a third offense he shall be fined three hundred dollars and shall forfeit his license.

Approved December 10, 1904. Laws of 1904, No. 115, p. 149.

CANDY.^a

4345. *Adulterated candy; penalty.* A person who shall adulterate candy with terra alba, baryta, talc or any other substance detrimental to health, or knowingly sell or offer for sale candy so adulterated shall be punished by a fine of not more than one hundred dollars, or not less than fifty dollars for each offense.

Statutes 1894, p. 779.

DAIRY PRODUCTS.

4327. *Adulterated or diluted milk; penalty.* A person who sells or furnishes or has in his possession with intent to sell or furnish, milk diluted with water, adulterated or not of good standard quality or milk or cream which has been treated with chemicals, shall for each offence, be fined not more than three hundred dollars and not less than fifty dollars and any person who sells or offers for sale or furnishes milk from which the cream or any part has been taken or keeps back part of the milk known as "strippings" without the full knowledge of the person to whom such milk shall be sold or offered for sale or furnished shall for each offence, be fined as previously provided for in this section in cases of adulteration.—*As amended by No. 67, Acts 1900, and further amended November 12, 1902, by Acts and Resolves, 1902, No. 80, p. 75.*

4328. *Standard for milk, for creameries and cheese factories.* In all creameries and cheese factories in this state milk containing four per cent. of butter fat shall be the standard used as a paying basis.

4329. *Testing of suspected samples.* Where, in prosecutions under the second preceding section the ordinary means of proof are not available or sufficient, sealed samples of the milk sold or furnished, or kept with intent to be sold or furnished, taken from such milk in the presence of at least one disinterested witness and with the knowledge and in the presence of the person or his agent or servant so selling or furnishing, or having in his possession with intent to sell or furnish said milk, may be sent to the state agricultural experiment station to be tested; the result of such test shall be deemed competent evidence in such prosecutions but shall not exclude other evidence.

4330. *Method of sampling.* Said samples shall be placed in tin or glass vessels securely sealed with a label thereon stating the time when, place where the sample was drawn, from whose milk taken, and signed by the person taking the same and by one or more disinterested witnesses. Upon request a like sample shall be given to such person, his agent or servant, for which a receipt shall be given to the person taking or drawing the same.

4331. *Milk standard.* Standard milk shall contain not less than twelve and one-half per cent. of solids, or not less than nine and one-fourth of total solids exclusive of fat, except in the months of May and June, when it shall contain not less than twelve per cent. of total solids. This rule shall govern tests made at the experiment station, and an officer or employee thereof found guilty of fraud in making tests shall be fined one thousand dollars.

4332. *Branding butter and cheese.* A person who marks or otherwise designates or causes to be marked or otherwise designated as "creamery" butter or cheese, or the packages in which it is contained, when such butter or cheese is not manufactured at a creamery, or sells or offers to sell any such butter or cheese so marked, shall be fined not more than three hundred dollars and not less than fifty dollars; provided that a person may brand, mark or otherwise designate the product of his dairy as "private creamery," and in such case the name of the maker shall be plainly marked on each package so branded or designated.

^aSee also General Food Laws, sec. 17, p. 620.

4333. Jurisdiction. Justices shall have concurrent jurisdiction with the county court in prosecutions under the six preceding sections.

Statutes, 1894, p. 777.

4975. Penalty for sale of diluted or adulterated milk. A person who knowingly sells or furnishes or offers to sell milk diluted with water or adulterated, shall forfeit to the person to whom such milk is sold or furnished not more than one hundred dollars and not less than twenty-five dollars, to be recovered in an action on this statute before a justice.

4976. Penalty for selling diluted or adulterated milk to butter and cheese manufactories. A person who knowingly sells, supplies or brings to be manufactured to a butter or cheese manufactory in the state, milk diluted with water, or adulterated, or milk from which cream has been taken, or keeps back part of the milk known as "strip-pings;" or knowingly brings or supplies milk to a butter or cheese manufactory, that is tainted or partly sour from want of care in the keeping of strainers, or vessels in which said milk is kept; or a butter or cheese manufacturer who knowingly uses or directs his employees to use cream from the milk brought to said butter or cheese manufacturers, without the consent of the owners thereof, shall forfeit not more than one hundred dollars, and not less than twenty-five dollars, to be recovered in an action founded upon this statute, before a justice, in the name and for the benefit of those upon whom such fraud is committed.

Statutes 1894, p. 887.

SEC. 1. Monthly report from creameries. Every owner, operator or manager of a creamery in this state, whether co-operative or proprietary, shall make and deliver monthly to each patron of said creamery a statement of the number of pounds of milk or cream such patron delivers for that month, together with the test, pounds of butter fat, gain per cent. from the churn, and the price paid for the same shall be computed by the number of pounds of butter fat. Said monthly statement sent to each patron shall contain the total number of pounds of butter made for that month.—*As amended December 9, 1904, Laws of 1904, No. 111, p. 125.*

SEC. 2. Price fixed by amount of butter fat in milk. Any owner, operator or manager of any creamery whether co-operative or proprietary, who sells or otherwise disposes of any of the milk or cream received at such creamery shall weigh and carefully sample the same, and shall test such samples for the purpose of ascertaining the number of pounds of butter fat in such milk or cream sold or otherwise disposed of and the price paid for the same shall be computed by the number of pounds of butter fat.—*As amended December 9, 1904, Laws of 1904, No. 111, p. 125.*

SEC. 3. Monthly report from cheese factories. The owner, operator or manager of any cheese factory in the state, whether co-operative or proprietary, shall make and deliver to each of the patrons of said factory a statement representing the number of pounds of milk he delivers for each month, together with the test and actual number of pounds of cheese produced by such milk for said month. And the price paid for the same shall be computed on actual number of pounds of cheese.

SEC. 4. Repeal. Repealed December 9, 1904; Laws of 1904, No. 111, p. 125.

SEC. 5. Repeal. Repealed December 9, 1904; Laws of 1904, No. 111, p. 125.

SEC. 6. Penalty. Any manager or proprietor of any creamery in this state, who fails to comply with any of the provisions of this act, on conviction in a court of competent jurisdiction shall be fined not less than ten nor more than twenty-five dollars for each offense.—*As amended December 12, 1902, Public Acts 1902, No. 81, p. 75, and as further amended December 9, 1904, Laws of 1904, No. 111, p. 125.*

SEC. 7. Repeal. Repealed December 9, 1904, Laws of 1904, No. 111, p. 125.

Approved November 29, 1898. Public Acts 1898, No. 82, pp. 63-64.

SEC. 1. *Testing and marking of pipettes; cost.* All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employes, at any creamery, butter factory, cheese factory or condensed milk factory, or elsewhere in this state, in determining by the Babcock test, or by any other test, the value of milk or cream received from different persons or parties at such creameries or factories, shall, before such use, be tested for accuracy of measurement and for accuracy of the per cent. scale marked thereon. It shall be the duty of the superintendent of the dairy school of the University of Vermont and State Agricultural College to designate some competent person to test the accuracy of such bottles, pipettes, or other measuring glasses. The person thus designated shall so mark such bottles, pipettes or other measuring glasses as are found correct in marks or characters which cannot be erased, which marks or characters shall stand as proof that they have been so tested; and no incorrect bottles, pipettes or other glasses shall be thus marked. The superintendent of the dairy school shall receive^a for such service the actual cost incurred and no more, the same to be paid by the persons or corporations for whom it is done.

SEC. 2. *Certificate for milk testers; cost.* Each and every person who, either for himself or in the employ of any other person, firm or corporation, manipulates the Babcock test, or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream as a basis for apportioning the value of such milk or cream, or the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school of the University of Vermont and State Agricultural College that he or she is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of the school may arrange. The fee for issuing such certificate shall in no case exceed one dollar, the same to be paid by the applicant to the superintendent of the dairy school and to be used by the superintendent in meeting the expenses incurred under this section.

SEC. 3. *Penalty; disposal of fines.* Any person or persons violating any of the provisions of this act, shall, on conviction in a court of competent jurisdiction be fined not more than twenty-five dollars for the first offence, and not more than fifty dollars for each subsequent offence. It shall be the duty of every sheriff, deputy sheriff and constable to institute complaint against any person or persons violating any of the provisions of this act, and, on conviction, one-half of the fines shall go to the complainant and the balance to the state.

Approved November 19, 1898. Public Acts 1898, No. 81, pp. 62-63.

SEC. 1. *Labeling of butter substitutes.* Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words, "imitation butter," or if such substitute is the compound known as oleomargarine, then the word, "oleomargarine," or if it is known as butterine, then the word, "butterine," stamped, labeled or marked in a straight line in printed letters of plain, uncondensed Gothic type, not less than one-half inch in length, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing any of said articles, substances or compounds. The stamp, label or mark shall contain no other words. And whoever, by himself or his agents, exposes or offers for sale any of the said article, substance or compound not in the original package, shall attach to the said article, substance or compound, in a conspicuous place, a label bear-

^a So in Statutes.

ing the words, "imitation butter," "oleomargarine," or "butterine," as the article may be, in printed letters of plain, uncondensed Gothic type, not less than one-half inch in length. And in cases of retail sales of any such article, substance or compound not in the original packages, the seller shall by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter," "oleomargarine," or "butterine," and no other words, in printed letters in a straight line of plain, uncondensed Gothic type, not less than one-half inch in length.

SEC. 2. *Labeling of imitation cheese.* Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" stamped, labeled, or marked in printed letters of plain Roman type, not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in cases of retail sales of any of said article, substance or compound not in the original packages, the seller shall, by himself or his agents, attach to each package so sold at retail, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation cheese," in printed letters of plain Roman type not less than one-half an inch in length.

SEC. 3. *Penalty for defacing labels, etc.* Whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or cheese, or as a substitute for butter or cheese, except as provided in the two preceding sections, and whoever, with intent to deceive, defaces, erases, cancels or removes any mark, stamp, brand, label or wrapper provided for in said sections, or in any manner shall falsely label, stamp or mark any box, tub, article or package marked, stamped or labeled as aforesaid, shall for every such offense forfeit to the city or town where the offense was committed one hundred dollars, and for a second and each subsequent offense two hundred dollars.

SEC. 4. *Penalty for false labeling.* Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing any fats, oil or grease not produced from milk or cream, contained in any box, tub, article or package, marked or labeled with the word, "dairy," or the word, "creamery," or the name of any breed of dairy cattle, shall for every such offense forfeit to the city or town where the offense was committed one hundred dollars, and for a second and subsequent offense two hundred dollars.

SEC. 5. *Definitions.* For the purposes of this act the terms "butter" and "cheese" shall mean the products which are usually known by these names and are manufactured exclusively from milk or cream with salt and rennet and with or without coloring matter.

SEC. 6. *Prosecution.* The state's attorney shall institute complaints for violations of the provisions of the five preceding sections when he has reasonable cause to believe that such provisions have been violated, and on the information of any person who lays before him satisfactory evidence by which to sustain such complaint. Said state's attorney may enter all places where butter or cheese is stored or kept for sale, and said attorney shall also take specimens of suspected butter and cheese and cause them to be analyzed or otherwise satisfactorily tested, the result of which analysis or

test he shall record and preserve as evidence. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the cost of such prosecutions.

SEC. 7. *Repeal.* Sections 4334, 4335, 4336, 4337, 4338, 4339, 4340 of Chapter 183, Vermont Statutes, are hereby repealed.

Approved November 27, 1900. Public Acts, 1900, p. 46.

FLOUR.

4303. *Inspector appointed.* The board of civil authority in each town may, at a meeting called for that purpose, appoint an inspector of flour, who shall not be a manufacturer or dealer in flour either directly or indirectly, and who shall be sworn, and may appoint deputies, for whose acts he shall be responsible; and such board may, at a regular meeting, remove such inspector, when such removal is for the public good. Such inspector shall hold office until the first day of December following his appointment, unless sooner removed.

4304. *Inspection.* Each inspector of flour, in the town for which he is appointed, shall inspect flour packed in barrels or half-barrels, for sale or exportation.

4305. "*Barrel*" defined. A barrel of flour shall contain one hundred and ninety-six pounds, and a half-barrel ninety-eight pounds.

4306. *Branding by manufacturer.* A manufacturer of flour shall brand legibly, on the head of each barrel or cask of flour by him exported or sold, the words "extra," "fancy," "superfine No. 1," or "superfine No. 2," "scratched superfine," "fine," and "fine middling," according to the quality of the flour, and the true tare or weight of each barrel or cask, and the weight of its contents, with the first letter of the christian name, and the surname at length, of the inspector who inspected the same.

4307. *Fine for misbranding, etc.* A manufacturer of flour who sells or exports a barrel or cask of flour which contains less than the number of pounds required by law, or is not branded as required in the preceding section, or is falsely branded in any particular, or has not been inspected previous to such sale or exportation by an inspector, shall be fined ten dollars.

4308. *Branding by inspector as to quality.* An inspector of flour shall, when flour is inspected by him, ascertain the quality of the contents of each barrel or cask, and brand legibly on the head of each barrel or cask the words "extra," "fancy," "superfine No. 1," or "superfine No. 2," "scratched superfine," "fine," and "fine middling," according to the quality, unless the same has been previously and correctly branded; and where the same has been previously and incorrectly branded, he shall alter the brand according to the quality; and he shall brand in the same manner barrels or casks containing flour so damaged as to be unfit for use, with the word "bad."

4309. *Inspection as to weight.* He shall ascertain the weight of each barrel or cask by him inspected, and if containing the number of pounds required by law, shall brand said weight legibly on the head of each barrel or cask, if not previously correctly branded, and brand in the same manner each barrel or cask not containing the number of pounds required by law with the word "light;" he shall ascertain by examination the weight of casks or barrels which he suspects are falsely or incorrectly marked, and correct the mark of the tare thereon, if falsely or incorrectly marked.

4310. *Misbranding by inspector.* An inspector of flour who marks or brands a cask containing flour that he has not inspected, or marks a false mark on a cask by him inspected, shall be fined ten dollars.

4311. *Misbranding in general.* A person not an inspector of flour who brands a cask containing flour, in the manner directed in this chapter, shall be fined ten dollars.

4312. Sale without inspection. A person who sells or offers for sale, flour by the barrel, before the same has been inspected, agreeably to the provisions of this chapter, unless the same has been inspected in another state or territory, agreeably to the laws thereof, and marked or branded accordingly, shall be fined five dollars for each barrel of flour so sold, or offered for sale. This section shall not extend to flour brought into this state, and transported out of this state, either by the importer of such flour or the person to whom such flour is sold by the importer, whether such flour is sold before or after it is brought into the state.

4313. Samples. A flour inspector shall not draw more than two ounces of flour from a barrel inspected by him.

4314. Pay for inspection. He shall receive one cent, and no more, for each barrel or cask of flour inspected by him.

Statutes, 1894, p. 773.

LARD.

4341. Labeling of compound products. No person by himself, his agent or servant, shall prepare, sell or expose for sale lard or any substance intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, bucket, pail or other package under a label bearing the words "pure," "refined," or "family," alone or in combination with other words, unless the package containing the same bears upon the outside thereof, in letters not less than one-fourth of an inch long, the words "compound lard."

4342. Penalty. A person violating the provisions of the preceding section shall be fined not more than fifty dollars for each offense.

Statutes, 1894, p. 778.

MAPLE PRODUCTS AND HONEY.

4344. A person who adulterates maple sugar, maple syrup, or bees' honey with cane sugar, glucose, or any substance whatever, for the purpose of sale, or who knowingly sells maple sugar, maple syrup or bees' honey that has been adulterated, shall be punished by a fine of not more than two hundred dollars and not less than fifty dollars for each offense. One-half of such fine shall go to the complainant.

Statutes, 1894, p. 779.

WATER.

SEC. 1. State board of health in charge of water supplies. The state board of health shall have the general oversight and care of all waters, streams and ponds used by any cities, towns, villages or public institutions or by any water or ice companies in this state as sources of water supply, and of all springs, streams and water courses tributary thereto. It shall have power to call for, and when it calls for it shall be provided with, maps, plans and documents suitable for such purposes at the expense of such city, town, village, public institutions, water or ice company, and shall keep records of all its transactions relative thereto. Said board shall have authority to prohibit any town, city, village, public institution, individual or water or ice company from using water or ice from any given source whenever in its opinion the same is so contaminated, unwholesome or impure that the use thereof endangers the public health. And the board of chancery shall have jurisdiction and power, upon application therefor by the state board of health, to enforce by proper order and decree any order, rule or regulation which said board may make under and by virtue of this section.—*As amended November 16, 1904; Laws of 1904, No. 139, p. 185.*

SEC. 2. Examinations; sanitary regulations. Said board may cause examinations of such waters to be made to ascertain their purity and fitness for domestic use, or their liability to impair the interests of the public or of persons lawfully using them

or to imperil the public health. It may make rules and regulations to prevent the pollution and to secure the sanitary protection of all such waters as are used as sources of water supply.

SEC. 3. *Publication of regulations; affidavit.* The publication of an order, rule or regulation made by the board under the provisions of section two or six hereof, in the newspaper of any town or village in which such order, rule or regulation is to take effect, or, if no newspaper is published in such city, town or village, the posting of a copy of such order, rule or regulation in three public places in such city, town or village, shall be legal notice to all persons, and an affidavit of such publication or posting by the persons causing such notice to be published or posted, filed and recorded with a copy of the notice in the office of the clerk of such city, town or village, shall be admitted as evidence of the time at which and the place and manner in which the notice was given.

SEC. 4. *Biennial report of board; notice to State's attorney.* Said board shall include in its biennial report to the general assembly, its doings for the preceding biennial term and shall recommend measures for the prevention of the pollution of such waters and for the removal of polluting substances, in order to protect and develop the rights and property of the state therein and to protect the public health, and shall recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, streams and waters of the state. It shall also give notice to the state's attorney for the county wherein any violation of the law relative to the pollution of the water supplies occurs. It shall have power to employ such expert assistants as it considers necessary.

SEC. 5. *Proposed systems of water supply, drainage, etc.; board an advisory body.* Cities, towns, villages and persons shall submit to said board for its advice their proposed systems of public water supply or for the disposal of drainage or sewage. Said boards shall consult with and advise the authorities of the cities, towns, villages and persons having or about to have systems of public water supply, drainage or sewage, as to the most appropriate sources of water supply and the best methods of assuring its purity or as to the best methods of disposing of their drainage or sewage, with reference to the existing and future needs of other cities, towns, villages or persons which may be affected thereby. It shall also consult with and advise persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any water or source of water supply, as to the best method of preventing such pollution and it may conduct experiments to determine the best methods of purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice or experiments. In this section the term "drainage" means the rain-fall, surface and sub-soil water only and "sewage" means domestic and manufacturing filth and refuse.

SEC. 6. *Action upon complaint of nuisance; damages; appeal.* Upon petition to said board by the mayor of a city, the selectmen of a town, the trustee or bailiff of a village, the managing board or officer of any public institution, or by a board of water commissioners or the president of a water or ice company, stating that manure, excrement, garbage or any other matter is polluting or tending to pollute the water of any stream, pond, spring, or water course used by such city, town, village, institution or company as a source of water supply, the board shall appoint a time and place within the county where the nuisance or pollution is alleged to exist for hearing and after notice thereof to parties interested and a hearing, if in its judgment the public health so requires, shall by an order served upon the party, company or premises so polluted, prohibit the deposit, keeping or discharge of any such cause of pollution and shall order him to desist therefrom and to remove any such cause of pollution; but the board shall not prohibit the cultivation or use of soil in the ordinary methods of agriculture if no human excrement is used therefor. Said board

shall not prohibit the use of any structure which was in existence at the time of the passage of this act, upon a complaint made by the board of water commissioners of any city, town or village, or by any water or ice company unless such board of water commissioners or company files with the state board a vote of its city council, selectmen, trustees or bailiffs, or company, respectively, that such city, town, village or company will at his own expense make such change in said structure or its location as said board shall deem expedient. Such vote shall be binding on such city, town, village or company. All damages caused by such change shall be paid by such city, town, village or company; and if the parties cannot agree thereon such city, town, village or company shall tender to the parties sustaining damages such a sum of money as in their judgment is a reasonable compensation for the damages sustained. Whoever is aggrieved by an order under the provisions of the preceding section or with the sum so tendered as damages may appeal therefrom in the manner provided in Vermont Statutes sections 3314 to 3317 inclusive, relating to highways. But the notice therein provided for shall be served on the party or parties who are petitioners in fact under section six of this act, and also upon the state board of health. If the appeal be only from the compensation for damages, the order of the board shall be complied with during the pendency of such appeal unless otherwise authorized by said board.

SEC. 7. *Jurisdiction.* The court of chancery shall have jurisdiction and power upon an application thereto by the state board of health or any party interested to enforce its orders, or the orders, rules and regulations of said board of health, and to restrain the use or occupation of the premises or such portion thereof as said board may specify, on which said material is deposited or kept or such other cause of pollution exists, until the orders, rules and regulations of said board have been complied with.

SEC. 8. *Inspection.* Said board of health may by itself, its servants and agents, enter any building, structure or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exist and whether the rules, regulations and orders aforesaid are obeyed.

SEC. 9. *Penalty.* Whoever violates any rule, regulation or order, made under the provisions of section two or section six of this act shall be punished for each offense by a fine of not more than five hundred dollars, to the use of the state, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 10. *Discharge of sewage, etc., into streams and ponds.* No sewage, drainage, refuse, or polluting matter of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, village, public institution or water company for domestic use or rendered injurious to health shall be discharged into any such streams, ponds, or upon their banks.

SEC. 11. Repealed November 16, 1904, Laws of 1904, No. 139, p. 185.

SEC. 12. *Jurisdiction of court of chancery.* The court of chancery, upon the application of a mayor of a city, the selectmen of a town, the trustees or bailiffs of an incorporated village, the managing board or officer of a public institution, or a water or ice company interested, shall have jurisdiction in equity to enjoin the violation of the provisions of section ten.

SEC. 13. *Sewage regulations; penalty.* Whoever wilfully deposits excrement or foul or decaying matter in water which is used for the purpose of domestic water supply or on the shore thereof within five rods of the water shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days; and a constable of a town or police officer of a city or village in which such water is wholly or partially situated, may act within the limits of his city or town and any executive officer or agent of a water board, board of water commissioners, public institution or water company furnishing water or ice for domestic purposes, acting upon the premises of such board, institution or company and not more than five rods from

the water, may without a warrant arrest any person found in the act of violating the provisions of this section and detain him until complaint may be made against him therefor. But the provisions of this section shall not interfere with the sewerage of a city, town, village or public institution, or prevent the enriching of land for agriculture by the owner or occupant thereof.

SEC. 14. *Salaries and expenses of board.* Each member of the state board of health shall receive four dollars per day and actual expenses while in the discharge of his duties imposed by this act. The state auditor is directed to draw his order on the state treasurer every six months for such sums as are necessary to meet the expenses of said board under the provisions of this act.

Approved December 12, 1902. Acts and Resolves 1902, No. 115, p. 144.

RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH.

January 11, 1905.

In conformity with the requirements of Section 18 of No. 143, laws of 1904, the State Board of Health hereby adopts the following rules and regulations to facilitate the enforcement of No. 143 and No. 144, laws of 1904. Any violation of these rules or regulations is punishable by a fine of not more than five hundred dollars.

STATE BOARD OF HEALTH.

HENRY D. HOLTON, *Secretary.*

Honest labels.—All canned and bottled goods must bear the name and address of the manufacturer or packer, and shall be labelled so as to give true information regarding the contents, and any package with a label so worded or in type of such size or colour as to (intentionally) deceive the purchaser, shall be deemed an adulterated article.

Antiseptics and preservatives.—Salicylic acid, benzoic acid, boric acid, hydrofluoric acid, sulphurous acid, and compounds of these acids—formaldehyde or formalin and various mixtures known to the trade as "Freezine," "Iceine," "Formol," "Preservatines" of various kinds, etc., are antiseptics and foods or food products containing them are adulterated except where specifically permitted. The use of salt, sugar, vinegar, saltpetre and wood-smokes, as employed in curing meat, are not prohibited.

Baking powder.—Baking powders must consist only of wholesome materials, the names of which shall be stated on the label, and shall give at least ten (10) per cent. of their own weight of carbonic acid gas on addition of water.

Quantity of sample required—one-half pound in original package.

Butter.—Butter is the product obtained by gathering in any manner the fat of fresh or ripened milk or cream into a mass which also contains a small portion of the other milk constituents with or without salt and shall contain not less than eighty-two and five-tenths (82.5) per cent. of butter fat. Butter may contain additional coloring matter of a harmless nature.

Renovated or process butter.—Renovated or Process Butter is the product obtained by melting butter and reworking without the addition or use of chemicals or other substances except milk, cream or salt and shall contain not more than sixteen (16) per cent. of water and must contain at least eighty-two and five-tenths (82.5) per cent. of butter fat. Butter or milk fat is the fat of milk and has a Richert-Meißl number not less than twenty-four (24) and a specific gravity not less than 0.905. (40° C./40° C.)

Quantity of sample required—one-half pound.

Candy.—Candy is a product prepared from a saccharine substance or substances with or without the addition of harmless coloring, flavoring or filling materials and must contain no terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients injurious to health.

Quantity of sample required—of one kind—one-half pound.

Canned goods.—Canned goods must bear the name and address of the packer. If dried before packing, they must be labelled “soaked or bleached” goods in letters not less than two line pica in size. The use of peas or other vegetables greened with copper is prohibited.

Quantity of sample required—two one pound cans in original package.

Catsups.—Catsups are preparations of tomato pulp and spices, and must contain no added coloring material or preservatives.

Quantity of sample required—one pint in original bottle.

Cheese.—(1) Cheese is the solid and ripened product obtained by coagulating the casein of milk by means of rennet or acids, with or without the addition of ripening ferments and seasoning. Cheese may also contain added coloring matter of harmless nature.

(2) Whole milk, or full cream, cheese, is cheese made from milk from which no portion of the fat has been removed.

(3) Skim-milk cheese, is cheese made from milk from which any portion of the fat has been removed.

(4) Cream cheese, is cheese made from milk and cream, or milk containing not less than six (6) per cent. of fat.

Standard whole-milk or full cream cheese, is whole-milk or full cream cheese containing in the water-free substance, not less than fifty (50) per cent. of butter fat.

Quantity of sample required—one-half pound. Fancy cheeses in original package—an amount approximating one-half pound.

Chocolate.—Chocolate, plain or bitter, or chocolate liquor, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents, except the germ, and must contain not more than three (3) per cent. ash insoluble in water, three and one-half ($3\frac{1}{2}$) per cent. of crude fibre and nine (9) per cent. of starch, nor less than forty-five (45) per cent. of cocoa fat.

Quantity of sample required—one-half pound in original package.

Sweet chocolate and chocolate coatings.—Sweet chocolate and chocolate coatings are plain chocolate mixed with sugar, (sucrose) with or without the addition of cocoa butter, spices or other flavoring materials, and should contain in the sugar and fat-free residue no higher percentage of either ash, fibre or starch, than is found in the sugar and fat-free residue of plain chocolate.

Quantity of sample required—one-half pound in original package.

Cider.—Cider is the unfermented juice of the apple. Any substitute for apple juice or any added antiseptic constitutes an adulteration.

Quantity of sample required—one pint.

Cocoa.—Cocoa or powdered cocoa is cocoa nibs with or without the germ, deprived of a portion of its fat and finely pulverized, and contains percentages of ash, fibre and starch corresponding to those in chocolate after correction for fat removed. Sweet or sweetened cocoa is cocoa mixed with sugar (sucrose) and must contain not more than sixty (60) per cent of sugar (sucrose) and in the sugar and fat-free residue no higher percentage of either ash, crude fibre or starch than is found in the sugar and fat-free residue of plain chocolate.

Quantity of sample required—one-half pound in original package.

Coffee.—Coffee must be true to name. It must not be coated or polished to conceal inferiority.

Quantity of sample required—one-fourth pound.

Coffee compounds.—Mixtures of cereals or other articles sold as substitutes for coffee must be sold as a mixture or compound under an original or coined name, and not under the name of any ingredient thereof, and must state exact composition of mixture.

Quantity of sample required—one original package.

Cream.—Cream is that portion of milk, rich in butter fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, and must contain not less than eighteen (18) per cent of milk fat. Evaporated cream is cream from which a considerable portion of the water has been evaporated.

Quantity of sample required—one pint.

Flavoring extracts.—Bottles or packages containing extracts must bear the name and address of the manufacturer.

Lemon extract shall contain at least five (5) per cent of the pure oil of lemon dissolved in ethyl alcohol.

Vanilla extract shall be made wholly from vanilla bean and shall contain no artificial coloring. When other flavoring substances are used, such as vanillin, coumarin or tonka, the extract shall be labeled so as to show its true character. The label "Compound Extract of Vanilla" will not be deemed sufficient notice of the composition of the article.

Quantity of sample required—four ounces; preferably two two-ounce bottles.

Flour.—Flour must be composed entirely of one ground cereal. The admixture of other flours or materials constitutes an adulteration.

Gluten flour.—Gluten flour is flour from which the starch has been washed, wholly or in part, and must contain at least thirty (30) per cent proteids calculated by multiplying the nitrogen content by the factor 6.25 and not over forty-eight (48) per cent of starch.

Quantity of sample required—one-half pound.

Fruit jellies, fruit jams, preserves, etc.—Fruit jellies, fruit butters, preserves, canned fruits, fruit conserves, confections, fruit juices and syrups, etc., must consist of the fruit specified on the label, preserved only with cane sugar, with or without the addition of glucose, and must not contain artificial flavors, coloring matters or preservatives. If such articles contain any substitute for the fruit, or any injurious material to make up bulk or weight, any artificial flavor, color or antiseptic, or any substance not naturally occurring in such fruit, except spices or other wholesome natural flavoring materials, they shall be considered to be adulterated.

Quantity of sample required—two tumblers, or an equivalent amount, in original package.

Honey.—Honey is the nectar of flowers and saccharine exudations of plants gathered by bees. Honey made by feeding bees glucose, sugar syrup or other saccharine substance, is not pure honey. Adding glucose sugar or syrup to honey, or substituting these materials for honey constitutes an adulteration.

Quantity of sample required—"Strained" a container with at least one-half pound net weight in original package.

Lard.—Lard is the rendered fresh fat from healthy slaughtered hogs. Leaf lard is the lard rendered at moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intestines. Standard lard and standard leaf lard are lard and leaf lard respectively, free from rancidity, containing not more than one (1) per cent of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering, and standard leaf lard has an iodine number not greater than sixty (60).

Quantity of sample required—one-half pound.

Milk.—(1) Milk (whole milk), is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and should contain not less than twelve (12) per cent of total solids and not less than eight and one-half (8.5) per cent of solids not fat, nor less than three and one-fourth (3.25) per cent of milk fat.

(2) Blended milk, is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

(3) Skim milk, is milk from which a part or all of the cream has been removed, and must contain not less than nine and a quarter (9.25) per cent of milk solids.

Quantity of sample required—one pint.

(4) Condensed milk, is milk from which a considerable portion of water has been evaporated.

(5) Sweetened condensed milk, is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added. Standard condensed milk and standard sweetened condensed milk are condensed milk and sweetened condensed milk, respectively, containing not less than twenty-eight (28) per cent of milk solids, of which not less than one-fourth is milk fat.

Quantity of sample required—one original package.

Maple sugar.—Maple sugar is the solid product resulting from the evaporation of maple sap.

Quantity of sample required—one-half pound.

Maple syrup.—Maple syrup is a syrup obtained by the evaporation of maple sap or by the solution of maple concrete.

The chief elements of value in maple sugar and maple syrup is the maple flavoring and any admixture of other sugars is an adulteration.

Quantity of sample required—one pint in original package.

Molasses.—Molasses is the product left after separating the sugar from massecuite, melada, mush-sugar, or concrete, and must contain not more than twenty-five (25) per cent of water nor more than five (5) per cent of ash.

Syrup is the product obtained by purifying and evaporating the juice of a sugar producing plant without removing any of the sugar, and a standard syrup must contain not more than thirty (30) per cent of water, nor more than two and five-tenths (2.5) per cent of ash.

Quantity of sample required—one pint.

Oleomargarine.—Oleomargarine, butterine or kindred compounds or mixtures of these with butter, cannot lawfully be sold if colored in imitation of butter.

Quantity of sample required—one-half pound.

Olive oil.—Olive oil is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or in whole, constitutes an adulteration.

Quantity of sample required—one pint.

Manufactured meats.—Manufactured meats must bear names descriptive of the composition, and when bearing such descriptive names, if force or flavoring meats are used, the kind and quantity thereof, must be made known.

Sausage.—Sausage must be prepared from the properly prepared edible parts of animals, and must contain no preservative other than sugar, salt, saltpetre, smoke, condiments, and no artificial coloring matter.

Quantity of sample required—one-half pound.

Spices.—Spices are aromatic vegetable substances used for the seasoning of food, and should be composed of the sound spice true to name from which no portion of any volatile oil or other flavoring principle has been removed. All spices must be pure. Any admixture of any foreign article with any spice is an adulteration. Allspice or pimento is the dried fruit of *Pimenta officinalis* Lindl. and must contain not less than eight (8) per cent of quercitannic acid; not more than six (6) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

Cayenne pepper or cayenne is the dried, ripe fruit of *Capsicum fastigiatum* DC., *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*. Standard cayenne pepper must contain not less than fifteen (15) per cent of non-volatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch by the diastase method, and not more than twenty-eight (28) per cent of crude fiber.

Cinnamon is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed and must contain not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

Cassia is the dried bark of the *Cinnamomum*, other than the *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed, and must contain not more than eight (8) per cent of total ash, and not more than two (2) per cent of sand.

Cloves are the dried flower buds of *Eugenia caryophyllata*, Thunb., which contain not more than five (5) per cent of clove stems. Standard cloves must contain not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitannic acid; not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Ginger is the washed and dried, or decorticated and dried, rhizome of *Zingiber officinale* Roscoe and must contain not less than forty-two nor more than forty-six per cent of starch by direct inversion; not more than eight (8) per cent crude fiber; not more than eight (8) per cent total ash; not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

Limed or bleached ginger is whole ginger coated with carbonate of lime containing not more than ten (10) per cent ash; not more than four (4) per cent of carbonate of lime, and conforming in other respects to standard ginger.

Mace is the dried arillus of *Myristica fragrans* Houttuyn and must contain not less than twenty (20) nor more than thirty (30) per cent of non-volatile ether extract; not more than three (3) per cent total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid and not more than ten (10) per cent of crude fiber.

Ground mustard is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil, and must contain not more than two and five-tenths (2.5) per cent of starch by the diastase method and not more than eight (8) per cent of total ash.

(A preparation of mustard, vinegar, spices and enough filler of starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold as French mustard or prepared mustard.)

Nutmeg is the dried seed of *Myristica fragrans* Houttuyn, deprived of its testa and with or without a thin coating of lime, and must contain not less than twenty-five (25) per cent of non-volatile ether extract nor more than five (5) per cent of total ash; not more than five-tenths (0.5) per cent of ash, soluble in hydrochloric acid and not more than ten (10) per cent of crude fiber.

Black pepper is the dried immature berries of *Piper nigrum* L. and must be free from added pepper sheels, pepper dust and other pepper by-products, and containing not less than six (6) per cent of non-volatile ether extract, not less than twenty-two (22) per cent of starch by the diastase method; not less than twenty-eight (28) per cent of starch by direct inversion; not more than seven (7) per cent total ash nor more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent crude fiber. One hundred parts of the non-volatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

White pepper is the dried mature berries of *Piper nigrum* L. from which the outer coating, or the outer and inner coatings, have been removed, and must contain not less than forty (40) per cent of starch by direct inversion; not less than four (4) per cent total ash; not less than five (5) per cent of ash insoluble in hydrochloric acid and not more than five per cent (5 per cent) crude fiber. One hundred parts of the non-volatile ether extract contain not less than four (4) parts of nitrogen.

Quantity of sample required—four ounces in original package.

Sugar.—Sugar is the product chemically known as sucrose (saccharose) chiefly obtained from sugar cane, sugar beets, sorghum, maple or palm. Standard sugar is white sugar containing at least ninety-nine and five-tenths (99.5) per cent of sucrose.

Starch sugar or grape sugar is the solid product obtained by hydrolyzing starch or a starch-containing substance until the greater part of the starch is converted into dextrose. Starch sugar or grape sugar appears in commerce in two forms, anhydrous and hydrous. In the former the sugar is crystallized without water of crystallization; in the latter, it is crystallized with water of crystallization. The hydrous varieties are commonly known as 70 and 80 sugars; 70 sugar is also known as brewers' sugar, and 80 sugar as climax or acme sugar.

Standard 70 sugar or brewers' sugar is hydrous starch sugar containing not less than seventy (70) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash.

Standard 80 sugar, climax or acme sugar, is hydrous starch sugar containing not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

Standard anhydrous grape sugar is anhydrous grape sugar containing not less than ninety-five (95) per cent of dextrose without water of crystallization and not more than eight-tenths (0.8) per cent of ash.

The ash of these standard products consists almost entirely of chlorids and sulphates of lime and soda.

Glucose, mixing glucose, or confectioners' glucose is a thick syrupy substance obtained by incompletely hydrolyzing starch or a starch-containing substance, decolorizing and evaporating the product. It is found in various degrees of concentration, ranging from forty-one (41) to forty-five (45) degrees Baume at a temperature of 100 degrees F. It must conform in density within these limits to the degree Baume it is claimed to show and for a density of forty-one (41) degrees Baume, contains not more than twenty-one (21) per cent of water and for a density of forty-five (45) degrees Baume not more than fourteen (14) per cent. It contains on a basis of forty-one (41) degrees Baume not more than (1) per cent of ash, consisting chiefly of chlorids and sulphates of lime and soda.

Glucose syrup, or corn syrup, is glucose unmixed or mixed with syrup or molasses containing not more than twenty-five (25) per cent of water and not more than three (3) per cent of ash.

Quantity of sample required—one-half pound.

Teas.—Tea consists of the dried leaves of the true tea plant, without addition of artificial coloring matter or filler, or extraction of essential properties. Any article offered for tea which does not conform to this definition is adulterated.

Quantity of sample required—one-half pound.

Vinegar.—Vinegar shall contain no artificial coloring matter, and shall have an acidity equal to the presence of not less than four and one-half (4.5) per cent by weight of absolute acetic acid. Cider vinegar shall, in addition, contain not less than two (2) per cent by weight of cider solids. If vinegar contains any artificial coloring matter, or less than the required amount of acidity, or if cider vinegar contains less than the required amount of acidity or cider vinegar solids, it shall be deemed to be adulterated.

Quantity of sample required—one pint.

Alcoholic beverages.—Quantity of sample required—one pint.

Oysters.—Quantity of sample required—one-half pint.

Any substance, other than those heretofore provided for, that is intended to be eaten or used in the manner of food or drink, shall have the standard of purity adopted by the United States Department of Agriculture.

Any drug or substance to be used for medicine shall be of the standard recognized by the United States Pharmacopeia or other Pharmacopeia or other standard works of *Materia-Medica*.

Securing of samples for examination.—Agreeable to Section 5 of No. 143, Laws of 1904, any local health officer, when so requested by the Secretary of the State Board of Health, shall procure a sample of any drug, article of food, or other substance, specified in said act, and forward to the State Laboratory, securely sealed. He shall also fill out the blank furnished by the State Board of Health for the purpose, and forward to the Secretary, together with a statement of money paid out for such sample. For each single sample so sent to the Laboratory, the local health officer shall receive the sum of twenty-five cents, for each additional sample the sum of ten cents, in addition to the sum he pays for the sample.

Attention is called to Section 6 of No. 143, relative to individuals sending samples.



